



FRANKLIN TOWN COUNCIL

May 11, 2016

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 also be recorded by others. FY 2017 Budget Hearings will be held on Wednesday 5/25/16 and Thursday 5/26/16 at 7:00 pm.*

C. PROCLAMATIONS/RECOGNITIONS

D. CITIZEN COMMENTS – *Citizens are welcome to express their views for up to five minutes on a matter that is not on the Agenda. The Council will not engage in a dialogue or comment on a matter raised during Citizen Comments. The Town Council will give remarks appropriate consideration and may ask the Town Administrator to review the matter.*

E. APPOINTMENTS

F. HEARINGS

G. LICENSE TRANSACTIONS

H. PRESENTATIONS/DISCUSSIONS - *FISH of Franklin – Barbara Steele
Council on Aging, Karen Alves, Director
Discussion on Cottage Court
Water Conservation – Brutus Cantoreggi*

I. SUBCOMMITTEE REPORTS

J. LEGISLATION FOR ACTION

1. Resolution 16-31: DPW – Road Construction and Maintenance – *Simple majority vote*
2. Bylaw Amendment 16-759: Amendment of Service Fees: Solid Waste and Recycling – *1st Reading (Motion to move Bylaw Amendment 16-759 to a 2nd Reading, Simple Majority)*
3. Zoning Bylaw Amendment 16-753: Zoning Map Changes from Single Family Residential IV to General Residential V in an Area on or near West Central Street – *Continued 1st Reading (Motion to move Zoning Bylaw Amendment 16-753 to a 2nd Reading, Simple Majority vote)*
4. Resolution 16-32: Compensation Plan – FY 2017 – *Simple majority vote*

K. TOWN ADMINISTRATOR'S REPORT

L. OLD BUSINESS

M. NEW BUSINESS – Discussion on Recommendation to amend the Council Procedures Manual

N. COUNCIL COMMENTS

O. EXECUTIVE SESSION – *To discuss strategy with respect to litigation relative to the Plain Street Tax Title land*

P. ADJOURN

PRESENTATIONS AND DISCUSSIONS

- ~FISH OF FRANKLIN – BARBARA STEELE
- ~COUNCIL ON AGING, DIRECTOR, KAREN ALVES
- ~COTTAGE COURT
- ~WATER CONSERVATION – BRUTUS CANTOREGGI

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: May 4, 2016
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Cottage Court

Cottage Court has always been a private way. As you are aware, it is a very narrow dirt road. In fact in some places it is only 10 feet wide. There are no Town water, sewer or drain lines in the street and anyone that has public water has a service line that they must maintain that runs from Cottage Street.

On November 24, 2015, we sent certified letters to abutters to Cottage Court informing them that Cottage Court is a private way and would continue plowing through last winter (see attached). We sent a second notice in April 2016 that we will not be maintaining the way any longer (see attached).

Unfortunately, this is a similar situation to the Beth Road pump station where the Town took an action many years ago that now we are correcting. The Water Superintendent reviewed the issue of the hydrant flushing and determined that the water flow was not that great to cause damage to the street.

JDN:ce

Attachments

cc: Brutus Cantoreggi, DPW Director



Franklin, MA
1 Inch = 80 Feet
April 28, 2016



This information is believed to be correct but is subject to change and is not warranted.

www.cai-tech.com

CAI Technologies
Aerial Mapping and GIS Solutions



Find Results Report

Franklin, MA
April 04, 2016

Parcel Number: 286-163-000 CAMA Number: 286-163-000-000 Property Address: 98 COTTAGE ST	Mailing Address: TENAGLIA JONATHAN R FLYNN CHRISTINA ANN 98 COTTAGE ST FRANKLIN, MA 02038
Parcel Number: 286-164-000 CAMA Number: 286-164-000-000 Property Address: 108 COTTAGE ST	Mailing Address: SPELLMAN SUZANNE 108 COTTAGE ST FRANKLIN, MA 02038
Parcel Number: 286-165-000 CAMA Number: 286-165-000-000 Property Address: 1 COTTAGE CT	Mailing Address: CHIANG YU LING CHIANG SUSAN 7 DONATO DR FRANKLIN, MA 02038
Parcel Number: 286-167-000 CAMA Number: 286-167-000-000 Property Address: 118 COTTAGE ST	Mailing Address: BURKE-HILL WALTER & CHRISTA T/ BURKE WILLIAM & JOAN S T/C 118 COTTAGE ST FRANKLIN, MA 02038
Parcel Number: 286-169-000 CAMA Number: 286-169-000-000 Property Address: 3 COTTAGE CT	Mailing Address: CAPPUCCIO TAMMIE CAPPUCCIO FRANK 3 COTTAGE CT FRANKLIN, MA 02038
Parcel Number: 286-171-000 CAMA Number: 286-171-000-000 Property Address: 6 COTTAGE CT	Mailing Address: ANDERSON ROBERT & JUDITH TRS H I S REALTY TRUST P O BOX 416 NATICK, MA 01760
Parcel Number: 286-173-000 CAMA Number: 286-173-000-000 Property Address: COTTAGE CT	Mailing Address: RANIERI DONALD G RANIERI MARY E 59 PLEASANT ST FRANKLIN, MA 02038
Parcel Number: 286-174-000 CAMA Number: 286-174-000-000 Property Address: 8 COTTAGE CT	Mailing Address: HURD ROBERT E HURD MARGARET M 8 COTTAGE CT FRANKLIN, MA 02038
Parcel Number: 286-175-000 CAMA Number: 286-175-000-000 Property Address: 10 COTTAGE CT	Mailing Address: COSSETTE RICHARD R JR 10 COTTAGE CT FRANKLIN, MA 02038
Parcel Number: 286-176-000 CAMA Number: 286-176-000-000 Property Address: 120 COTTAGE ST	Mailing Address: EKNAIAN ELEANOR M TR EKNAIAN REALTY TRUST 126 COTTAGE ST FRANKLIN, MA 02038



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



TOWN OF FRANKLIN

DEPARTMENT OF PUBLIC WORKS

257 Fisher Street

Franklin, MA 02038

April 4, 2016

Jonathan & Christina Ann Tenaglia
98 Cottage Street
Franklin, MA 02038

Re: Cottage Court

Dear Mr. & Mrs. Tenaglia:

As I notified you in November 2015, after a review of town roadways, it was found / discovered that Cottage Court may not be a "Public Way" but in fact a "Private Way." (See attached letter)

In that letter, I requested that you may be able to provide additional documentation that we do not possess that shows Cottage Court is / or was intended to be a Public Right of Way. If you do, please forward to the Franklin Public Works as soon as possible, but no later than January 31st, 2016.

Please be advised no one has provided, nor has the Town been able to locate, documentation to determine that Cottage Court is in fact not a "Private Way".

Effective July 1, 2016, I will not be able to continue to authorize any further expenditure of Public Funds on Cottage Court as it is a "Private Way" and it is against the law of the Commonwealth of Massachusetts to use public funds on private property.

Thank you for your assistance in the matter, feel free to contact me with any questions,

Robert A. Cantoreggi
Director

CC: Jeff Nutting, Town Administrator
Jamie Helen, Assistant Town Administer
Deacon Perrotta, Director of Operations
Carlos Rebelo, Highway and Grounds Superintendent
Mike Maglio, Town Engineer
Mark Cerel, Town Attorney
File

Attachment



TOWN OF FRANKLIN

DEPARTMENT OF PUBLIC WORKS

257 Fisher Street
Franklin, MA 02038

November 24, 2015

Richard Cossette
10 Cottage Ct
Franklin, MA 02038

Re: Cottage Court via Certified Mail

To Whom It May Concern,

During a recent review of town roadways, it was found / discovered that Cottage Court may not be a "Public Way" but in fact a "Private Way." Please see attached documents obtained at the Norfolk County Registry of Deeds.

After reviewing all public records and the deeds of all the properties involved, it does not appear that Cottage Court was ever intended to be a Public Right of Way. It appears that easements for pedestrian, vehicle and utility access were granted over the years to allow properties without frontage on Cottage Street to access Cottage Street. The current layout of "Cottage Court" does not meet the standards for a public way.

Please review the attached documents for all properties that are on or adjacent to Cottage Court.

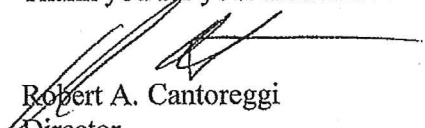
I respectfully request that you may be able to provide additional documentation that we do not possess that shows Cottage Court is / or was intended to be a Public Right of Way. If you do, please forward to the Franklin Public Works as soon as possible, but no later than January 31st, 2016.

Until the matter is resolved, Cottage Court will continue to receive limited roadway maintenance (snow removal) by the Town of Franklin.

Please be advised, if it is determined that Cottage Court is in fact a "Private Way," I will not be able to continue to authorize any further expenditure of Public Funds on private property as it is against the law of the Commonwealth of Massachusetts.

I will continue to keep you informed on all information that is obtained.

Thank you for your assistance in this matter and feel free to contact me with any questions.



Robert A. Cantoreggi
Director

CC: Jeffrey Nutting, Town Administrator
Deacon Perrotta, Director of Operations
Carlos Rebelo, Highway and Grounds Superintendent
Mike Maglio, Town Engineer
Kate Sjoberg, GIS Coordinator
Mark Cerel, Town Attorney
File

handa and seals this twenty-fifth day of April 1922.

Commonwealth of Massachusetts. | Allan McKissock (seal)
| Barbara S. McKissock (seal)

Suffolk ss. April 26, 1922. Then personally appeared the above-named Allan McKissock and acknowledged the foregoing instrument to be his free act and deed, before me, Walter Channing, Jr. Justice of the Peace.

Rec'd & entered for record May 1, 1922, at 9h. A.M.

Cochrane
to
Sheehy

I, Lula F. Cochrane, of Franklin, Suffolk County, Massachusetts, being unmarried, for consideration paid grant to James Sheehy, of said Franklin, with WARRANTY COVENANTS, the land in said FRANKLIN, with the buildings thereon, situated on the southerly side of Cottage Street Court & bounded & described as follows: Beginning at the northwesterly corner thereof by other land of the grantor, at a stone bound; thence running easterly on said Court one hundred eighteen and 90/100 (118.90) feet to a stone bound by land of Hannah E. Coule; thence southerly on land of said Coule one hundred (100) feet to a stone bound by land of the grantor; thence westerly on land of the grantor one hundred seventeen and 8/10 (117.8) feet to a stone bound by other land of the grantor; thence northerly on land of the grantor one hundred (100) feet to the point of beginning. All of said distances being more or less. Containing eleven thousand eight hundred (11,800) square feet. With the right to the grantee his heirs and assigns to pass over said Cottage Street Court to and from Cottage Street with teams or otherwise, said Court being twenty (20) feet in width. The said grantee his heirs and assigns are to keep that part of said court adjoining granted premises in proper condition to be used. WITH 25 my hand and seal this twenty-ninth day of April 1922.

| Lula F. Cochrane (seal)
Commonwealth of Massachusetts. Norfolk ss. April 29, 1922. Then personally appeared the above-named Lula F. Cochrane and acknowledged the foregoing instrument to be her free act and deed, before me, Orestes P. Doe, Justice of the Peace. My commission expires Sept. 24, 1926.

Rec'd & entered for record May 1, 1922, at 9h. A.M.

Sheehy
to
Cochrane

I, James Sheehy, of Franklin, Suffolk County, Massachusetts, being unmarried, for consideration paid, grant to Lula F. Cochrane, of said Franklin, with MORTGAGE COVENANTS, to secure the payment of seven hundred (700) dollars in five years with five per centum interest per annum, payable semi-annually as provided in a note of

QUITCLAIM DEED

Ralph L. Tenaglia and Josephine Dello Russo, both as Trustees, under the UMBERTO TENAGLIA 1992 REVOCABLE TRUST dated November 13, 1992, per CERTIFICATE OF TRUST PURSUANT TO M.G.L. c. 184, § 35, AS AMENDED, which has been recorded with the Norfolk County Registry of Deeds along herewith; and Ralph L. Tenaglia as Executor of the Estate of Umberto Tenaglia, Norfolk County Probate, 08P1984EP, under power of sale under the Will; and Lavorinella M. Tenaglia and Ralph L. Tenaglia, as trustees of the Lavorinella M. Tenaglia 1992 Revocable Trust dated November 13, 1992, per CERTIFICATE OF TRUST PURSUANT TO M.G.L. c. 184, § 35, AS AMENDED, recorded with the Norfolk County Registry of Deeds at Book 28689, Page 148

for consideration paid, and in full consideration of Two Hundred Sixty Five Thousand and 00/100 (\$265,000.00) Dollars

Grant all of their right, title and interest to Jonathan R. Tenaglia and Christina Ann Flynn, as joint tenants, both of 98 Cottage Street, Franklin, Massachusetts

with quitclaim covenants

the land in said Franklin with the buildings thereon situated on the southerly side of Cottage Street, bounded and described as follows:

Beginning at the northwesterly corner thereof on said Cottage Street by a leading way; thence,

SOUTHERLY: on the easterly side of said leading way, about one hundred and forty (140) feet to the north westerly corner of land formerly of Hannah B. Hosie; thence

EASTERLY: on land formerly of said Hosie to land formerly of Clara A. Wood; thence

NORTHERLY: on land formerly of said Wood to Cottage Street; thence

WESTERLY: on said Street ninety (90) feet to the point beginning.

This conveyance is made together with and subject to the easements over the use of said leading way as stated in deed from Horace M. Taylor to Byron H. Cochrane dated February 20, 1915, recorded with Norfolk Deeds Book 1304, Page 97; also subject to and with benefit of easement on the easterly side of the granted premises as set forth in aforesaid deed and deed of Lula F. Cochrane to George H. Litchfield dated April 29, 1922, and recorded with Norfolk Deeds Book 1518, Page 94.

For Grantor's title see deed of Lavorinella M. Tenaglia dated February 10, 2011 and recorded with the Norfolk County Registry of Deeds at Book 28689, Page 152. See also In re Estate of Umberto Tenaglia, Norfolk Probate & Family Court, Docket No. 08P1984EP.

We, the undersigned Grantors, hereby certify and affirm under the pains and penalties of perjury that no person or beneficiary of the trust occupies or intends to occupy the granted premises as his/her principal residence and is therefore no entitled to claim the benefit of an estate of homestead in the premises.

Witness our hands and seals this day August 7, 2013.

Ralph L. Tenaglia

Ralph L. Tenaglia as Executor of the Estate of Umberto Tenaglia and as Trustee of the UMBERTO TENAGLIA 1992 REVOCABLE TRUST dated November 13, 1992 and Trustee of the LAVORINELLA M. TENAGLIA 1992 REVOCABLE TRUST dated November 13, 1992

Josephine Dello Russo
Josephine Dello Russo, as Trustee of the UMBERTO TENAGLIA 1992 REVOCABLE TRUST dated November 13, 1992

Lavorinella M. Tenaglia
Lavorinella M. Tenaglia, as Trustee of the LAVORINELLA M. TENAGLIA 1992 REVOCABLE TRUST dated November 13, 1992

The Commonwealth of Massachusetts

Worcester
Norfolk, ss.

On this day, August 7, 2013, before me, the undersigned notary public, personally appeared Ralph L. Tenaglia, Josephine Dello Russo, and Lavorinella M. Tengalia, as identified above, 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.



[Signature]
Notary Public
My commission expires:

15242

BK 13194 PG 020

NORFOLK COUNTY REGISTRY OF DEED
DEDHAM, MA
BOOK
PAGEATTEST
Barry T. Hannon
BARRY T. HANNON, REGISTERQUITCLAIM DEED

We, Kenneth G. Melin and Helin M. Melin, of Hopedale, Worcester County, Massachusetts,

for consideration of One Hundred Fifteen Thousand (\$115,000.00) -----paid

grant to Suzanne Spellman, individually, of 108 Cottage Street, Franklin, Norfolk County, Massachusetts,

with quitclaim covenants

The land with buildings thereon located in Franklin, Norfolk County, Massachusetts, and shown as Parcel A on plan of Land in Franklin, Mass., "dated July 18, 1944, Kenneth E. McIntyre Civil Engineer." Said parcel is bounded and described as follows:

Beginning at a point in the southerly sidewalk of Cottage Street marked by a drill hole there in at the Westerly line of a way known as Cottage Street Court;
Thence S. 26° 28' 20" E., sixty-six and 56/100 (66.56) feet to a corner marked by a stake;

Thence S 63° 14' 40" W., forty-six (46) feet to a corner marked by a stake;

Thence N 48° 19' 20" W., fourteen and 99/100 (14.99) feet to a corner marked by a stake;

Thence N. 28° 03' 40" W., fifty-one and 18/100 (51.18) feet to said Cottage Street;

Thence N. 61° 38' 20" E., fifty-three and 05/100 (53.05) feet to the point of beginning.

Also all rights that we have to the use of said Cottage Street Court in common with others, including the occupants of Parcel B, shown on said Plan.

FIN & GATTONI
ATTORNEYS AT LAW
SUITE 100
100 N. MAIN ST.
FRANKLIN, MA 01737
TEL: (508) 478-5122

99 JAN 29 PM 2:17
NORFOLK COUNTY

RECEIVED RECORDED

BK13194PG021

Being the same premises conveyed to us by deed of Ann E. Buttimer a/k/a Anna E. Buttimer, dated June 28, 1983, recorded with Norfolk Registry of Deeds in Book 6194, Page 498.

Witness our hands and seals, this 29th day of January, 1999.


Kenneth G. Melin

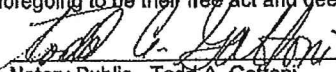

Helin M. Melin

Commonwealth of Massachusetts

Norfolk, ss

January 29, 1999

Then personally appeared the above-named Kenneth G. Melin and Helin M. Melin and acknowledged the foregoing to be their free act and deed, before me


Notary Public - Todd A. Gattoni
Commission Expires: 05/05/2000

CANCELLED
DEED REC 17
NORFOLK
01/29/99

TAX 524.40
CHCK 524.40

6137A017 14:12
EXCISE TAX

GATTONI & GATTONI
ATTORNEYS AT LAW
211 Main Street
Norfolk, MA 01901
TEL: (508) 473-2200
RX: (508) 476-5122

BK 13173PG433

10932

DEED

I, Joseph V. Lobosco, of Plymouth, Plymouth County, Massachusetts for consideration of One Hundred Thirty-Seven Thousand Five Hundred (137,500.00) Dollars paid GRANT to Yu Ling Chiang and Susan Chiang, husband and wife, as tenants by the entirety, of 1 Cottage Court Franklin, Norfolk County, MA with QUITCLAIM covenants the land with the buildings thereon situated in Franklin, Norfolk County, Massachusetts bounded and described as follows:

See Exhibit A attached hereto

Property address: 1 Cottage Court, Franklin, MA

WITNESS my hand and seal this 20th day of January 1999.

Joseph V. Lobosco
Joseph V. Lobosco

CANCELLED
DEEDS REG 17
NORFOLK
JAN 22 1999
01/22/99
TAX 627.00
CHK 627.00
5855A017 14:09
EXCISE TAX

STATE OF FLORIDA
County of huer

,ss.

January 29, 1999

Now appeared the above-named Joseph V. Lobosco and acknowledged the foregoing to be his free act and deed before me.

RECORDED
NORFOLK COUNTY REGISTRY OF DEED
DEED 13173 PG 433
BOOK
ATTEST
Barry T. Hannan
BARRY T. HANNAN, REGISTER

Carolyn A. Wood

Notary Public
My Commission Expires:



RECEIVED RECORDED
NORFOLK COUNTY
93 JAN 22 PM 2:18

Exhibit A

The land with the buildings thereon in Franklin, Norfolk County, Massachusetts, on the southwesterly side of Cottage street Court, so-called, and being shown as Parcel B on a plan entitled "Plan of Land in Franklin, Mass.", dated July 18, 1944, drawn by Kenneth E. McIntyre recorded with Norfolk County Registry of deeds in Book 2502, Page 49, bounded and described as follows:

NORTHEASTERLY: by Cottage Street Court, 75.71 feet;

NORTHWESTERLY: by Parcel A, as shown on said plan, 46 feet;
again

NORTHEASTERLY: by Parcel A, as shown on said plan, 14.99 feet;
again

NORTHEASTERLY: by Parcel A, as shown on said plan, 51.18 feet;

NORTHWESTERLY: by Cottage Street, 7.95 feet;

SOUTHWESTERLY: by land of Hoogas and Surfey Bilzarian, 142.60 feet;

SOUTHEASTERLY: by land now or formerly of James H. Sheehey, 58 feet.

Containing 5,065 square feet of land, more or less, according to said plan.

For title see Norfolk Deeds Book 12032, Page 655.

BK 11528PG032

For title reference see Book 9086, Page 163 and Norfolk Probate No. 95P 3056. See also deed dated July 26, 1996 and recorded at Norfolk Registry of Deeds and Confirmatory Deed dated August 21, 1996 and recorded at Norfolk Registry of Deeds. *herewith.*

Witness my hand and seal this *21st* day of *AUGUST*, 1996.

Richard Ellis
RICHARD A. ELLIS

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

AUGUST 21, 1996

Then personally appeared the above named RICHARD A. ELLIS and acknowledged the foregoing instrument to be his free act and deed, before me.

Paul J. Hooper
Notary Public
My commission expires: *6-20-97*

DEEDS REC'D
NORFOLK
CANCELLED

SEP 25 1996

TAX 205.20
CHCK 205.20

0196A017 09:12
EXCISE TAX

Vol. 96, 100
101404

BK 11528 PG 031

QUITCLAIM DEED

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
DECHAM, MA
COUNTY
Barry T. Hannon
BARRY T. HANNON, REGISTER

I, RICHARD A. ELLIS, of Franklin, Norfolk County, Massachusetts
for consideration of FORTY-FIVE THOUSAND AND 00/100

***** (\$45,000.00) ***** DOLLARS

grant to TAMMIE CAPPuccio and FRANK CAPPuccio, as tenants by the
entirety, my undivided one-half interest in

with QUITCLAIM COVENANTS

that certain parcel of land in Franklin, Norfolk County,
Massachusetts, with the buildings thereon, bounded and described
as follows:

Situated on the westerly side of a private way called Cottage
Street Court which runs southerly from Cottage Street, bounded
and described as follows:

Beginning at the northeasterly corner of the granted premises at
a cement bound set in the ground by land of Mary E. Daniels on
said Court; thence running

S. 61 degrees 15' W.	on land of said Daniels in part and land of Thomas McMann et al. in part, 130 feet to a cement bound; thence
S. 25 degrees 43' E.	on land of Charles E. Campbell, 77.75 feet to a cement bound; thence
N. 62 degrees 18' E.	on land formerly of Lula Cochrane, 106.6 feet to a spike in the root of a large tree; thence by a curve to the left having a radius of 68 feet, 60.5 feet to a point; thence
N. 26 degrees 51' W.	27.5 feet up to the point of beginning.

Containing 9,900 square feet, more or less.

With the right to pass from said premises to Cottage Court over
said Court which is shown upon a plan entitled "Land of Lula F.
Cochrane, Franklin, Mass., July, 1919", made by A. Schuyler
Clapp, Civil Engineer, which plan shows the premises hereby
conveyed; the grantees herein to pay their share towards keeping
said Court in repair.

RECEIVED
RECORDED
NORFOLK COUNTY
56 SEP 25 AM 9:19

Merrill L. Browne, Jr. and Beth Glickman
of Franklin, Norfolk

County, Massachusetts

~~Being~~ for consideration paid, and in full consideration of Forty Five Thousand Dollars
(\$45,000.00)

grants to Robert T. Anderson and Judith A. Anderson Trustees of H I S Realty
Trust, under a declaration of trust dated September 27, 1978 and recorded
with Norfolk Deeds, Book 5523, page 716 with quitclaim covenants

the land in said Franklin, with the buildings thereon, situated on the Southerly
side of Cottage Court (so-called), bounded and described as follows:

(Description and covenances, if any)

Beginning at the Northwesterly corner thereof at land now or formerly of
Lula F. Cochrane at a stone bound; thence

EASTERLY on said Cottage Court, one hundred eighteen and 90/100 (118.90)
feet to a stone bound at land now or formerly of Hannah B. Hosie, thence
SOUTHERLY on land of said Hosie, one hundred (100.00) feet to a stone bound
at land now or formerly of said Lula F. Cochrane, thence
WESTERLY by land of said Cochrane, one hundred seventeen and 80/100 (117.80)
feet to a stone bound at other land of said Cochrane; thence
NORTHERLY by land of said Cochrane, one hundred (100.00) feet to point of
beginning.

All of said distances being more or less.

Said premises are shown on a plan entitled "land of Lula F. Cochrane,
Franklin, Mass., Scale 1" = 20', April 24, 1922, A. Schuyler Clapp, C.E.,
Franklin, Mass.", recorded with Norfolk Deeds as plan No. 270 of 1922, Book
1515, Page 88.
This conveyance is made subject to all easements and restrictions set forth
in a deed of Lula Cochrane to James Sheehy, dated April 29, 1922, recorded
with Norfolk Deeds in Book 1515, Page 88, and the same are incorporated
herein by reference thereto.

Being the same premises conveyed to us by deed of Harold G. Vande Kerhoff,
dated February 11, 1980, and recorded with Norfolk Deeds in Book 5707,
Page 308.

RECEIVED
JUN 24 1 05 PM '83

CANCELLED EXCISE
JUN 24 1983 102.60

Witness our hands and seals this 19 day of May 19 83

Beth Glickman
BETH GLICKMAN

Merrill L. Browne Jr.
Merrill L. Browne Jr.

Both Glickman

The Commonwealth of Massachusetts

NORFOLK ss.

May 19 19 83

Then personally appeared the above named MERRILL L. BROWNE, JR.

and acknowledged the foregoing instrument to be his free act and deed, before me

Constance T. Bourne
Notary Public - State of Massachusetts

Address: 1153 HIGHLAND ST. NORTHEAST, MA 02111
My commission expires November 10 1983

NORFOLK ss.

June 23, 1983

Then personally appeared the above-named BETH GLICKMAN and acknowledged
the foregoing instrument to be her free act and deed, before me

Constance T. Bourne
Notary Public
My commission expires April 16, 1987

#53

5637

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 691

146
RECEIVED

87 1979

OF ASSESSORS
Mass.We, DONALD G. RANIERI and MARY E. RANIERI, husband and wife, both
of Franklin, Norfolk County, Massachusetts

do hereby quitclaim, for consideration paid, and in full consideration of \$32,900.00-----

grants to ROBERT E. HURD and MARGARET M. HURD, husband and wife as
tenants by the entirety, Both
of 7 Cottage Court, Franklin, Norfolk County, with quitclaim covenants
Massachusettsthe land with the buildings thereon, situated in Franklin, Norfolk
County, Massachusetts and being shown on a plan entitled "Plan of
Land in Franklin, (Description and covenants, if any) Mass., Norfolk
County, Scale 1" = 60', July 6, 1979, Walter E. Sampson, Reg. Land
Surveyor, 171 Oak St., Franklin, Mass., Robert C. Salvetti, Surveyor",
to be recorded herewith and being more particularly bounded and described
according to said plan as follows:Beginning at a point at land N/F of Wilhelm Astor, et ux, and a leading
way; thence

S. 37° 27' 50" E. One hundred thirty-five and 00/100 (135.00) feet; thence

S. 48° 02' 10" W. One hundred twelve and 00/100 (112.00) feet; thence

N. 37° 27' 50" W. One hundred thirty-five and 00/100 (135.00) feet; thence

N. 48° 02' 10" E. One hundred twelve and 00/100 (112.00) feet to the
point of beginning.

Said parcel contains 15,073 square feet according to said plan.

Also the right to use that area designated and shown as "Way", on the
plan hereinbefore referred to, for the use in common with the grantors
and its heirs, successors and assigns, for all purposes for which public
streets or ways may now or hereafter be used in said Town of Franklin,
including installation and maintenance of water lines, sewer lines and
other so-called utilities.Said premises are hereby conveyed together with the benefit of and
subject to rights of way of record and other easements of record, if any,
particularly including the right of the grantees to use in common with
all other entitled thereto of Cottage Street Court, as shown on the plan
hereinbefore referred to, insofar as such rights of way or other easements
of record are now in force and applicable.Being a portion of the premises conveyed to us by deed of Herman C.
Brown and Gladys L. Brown, dated November 22, 1965 and recorded with
Norfolk Deeds in Book 4311, Page 204.

Witness our hands and seals this 10th day of August, 1979.

NOTARY PUBLIC
ROBERT E. FICCO
875.24DONALD G. RANIERI
MARY E. RANIERI

The Commonwealth of Massachusetts

NORFOLK

ss.

August 10, 19 79

Then personally appeared the above named Donald G. Ranieri and Mary E. Ranieri
and acknowledged the foregoing instrument to be their free act and deed before me

Robert E. Ficco Notary Public - KNEEKNOWING

My commission expires March 10 1983

Recorded Aug. 10, 1979 at 11h. 41m. A. M.

Page I
23

Bk 23319 Pg 175 #5553
01-18-2006 @ 12:00p

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY
William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

QUITCLAIM DEED

WE, **RICHARD R. COSSETTE, JR.**, and **TINA COSSETTE**, as tenants by the entirety, with the right of survivorship, of 10 Cottage Court, Franklin, Norfolk County, Massachusetts hereby grant to **RICHARD R. COSSETTE, JR.**, of Franklin, Norfolk County, Massachusetts

For consideration paid and in full consideration of less than **ONE HUNDRED (\$100.00) DOLLARS**

with **QUITCLAIM COVENANTS**

The land in Franklin, Norfolk County, Massachusetts, with the buildings thereon, bounded and described as follows:

NORTHEASTERLY	on line of land now or formerly of Alexander Mann and Abbie J. Smith, 112 feet to stake and stones and land now or formerly of George S. Hosie; thence in a
SOUTHEASTERLY	direction on land of said Hosie, 75 feet to a stake and stones and land of Hosie; thence turning and running
WESTERLY	on land of said Hosie, 112 feet to land now or formerly of said William Doherty; thence turning and running
NORTHERLY	on land of said Doherty, 75 feet to the point of beginning.

ALSO, two certain tracts or parcels of land situated on both sides of a certain leading way, leading Southerly from Cottage Street in said Franklin, and bounded and described as follows, viz:

Beginning at an iron pipe in the ground at Northwesterly corner of granted premises and Easterly line of a leading way belonging now or formerly to George S. Hosie, thence running

EASTERLY

and now or formerly of Arthur J. Keefe and estate of Catherine Mahoney, 38 feet to a post at other land of Hosie, thence running

SOUTHERLY

on said other land of Hosie, 81 feet to post at Northerly line of driveway running at right angles to aforesaid leading way; thence running

WESTERLY

on said last mentioned driveway, 29 feet to an iron pipe in the ground; thence running

NORTHWESTERLY

on said leading way, 11 feet to Easterly line of first mentioned leading way; thence on said leading way, 74 feet to the place of beginning.

The second tract is on the Westerly side of said leading way and 20 feet westerly from the first mentioned bound; thence running

SOUTHERLY

on said leading way, 81 feet to other land of Hosie; thence

WESTERLY

5 feet to land now or formerly Campbell; thence on land of said Campbell, 81 feet to land now or formerly of William Degan, thence running Easterly 3 feet to the Westerly line of said leading way and place of beginning.

All of said distances being more or less, except the width of said leading way, Subject to and with benefit of easements and rights of way of record.

Said property having an address of 10 Cottage Court, Franklin, MA.

Being the same premises conveyed to us from **Richard R. Cossette, Jr.** ,

dated May 22, 2003, and recorded with Norfolk County Registry of Deeds
in Book 18947, Page 072.

Witness my hand and seal, this 18 day of January, 2006.

Tina Cossette
TINA COSSETTE 1/18/06

Richard R. Cossette, Jr.
RICHARD R. COSSETTE, JR.

STATE OF RHODE ISLAND

Providence, ss.

January 18 2006

Then personally appeared the above-named Tina Cossette and
acknowledged the foregoing instrument to be her free act and deed,
before me.

Michael Hester

Notary Public

My Commission Expires: 12/31/07



COMMONWEALTH OF MASSACHUSETTS

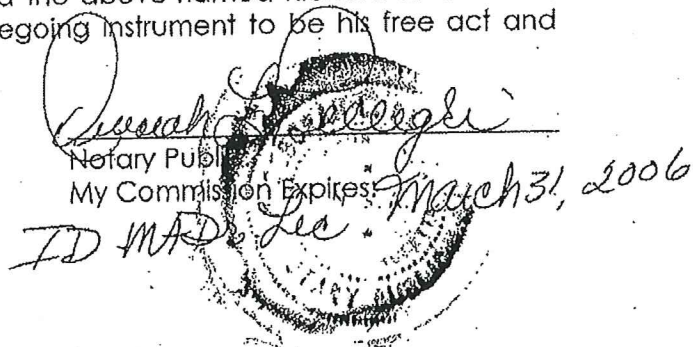
Norfolk, ss.

January 18 2006

Then personally appeared the above-named Richard R. Cossette,
Jr., and acknowledged the foregoing instrument to be his free act and
deed, before me.

Quinn J. McLaughlin
Notary Public

My Commission Expires: March 31, 2006



101383

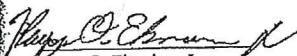
DEED

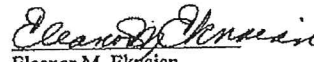
We, Hagop O. Eknaian, Jr. and Eleanor M. Eknaian, for consideration paid and in full consideration of Less than One Hundred (\$100.00) Dollars grant to Eleanor M. Eknaian, Trustee of the Eknaian Realty Trust, w/d/t dated July 14, 1998 and recorded in the Norfolk County Registry of Deeds ^{herewith}, of 126 Cottage Street, Franklin, Massachusetts, with QUITCLAIM COVENANTS:

Beginning at the northeasterly corner of the granted premises on the southerly side of said Cottage Street and on the easterly side of a driveway; thence running southerly on said driveway, one hundred forty three (143) feet to land formerly of George S. Hosie; thence running westerly on land formerly of said Hosie, fifty-two (52) feet to land formerly of Mary H. Degan; thence running northerly in a straight line to Cottage Street; thence running easterly on said Cottage Street, fifty-two (52) feet to the point of beginning.

Meaning and intending to convey and hereby conveying the same premises as conveyed to the grantors in a deed dated May 1, 1961 and recorded in Norfolk County Registry of Deeds in Book 3891 Page 568.

Witness Our Hands and Seal this 14th day of July, 1998.


Hagop O. Eknaian, Jr.


Eleanor M. Eknaian

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

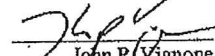
July 14, 1998

Then personally appeared the above - named Eleanor M. Eknaian and Hagop O. Eknaian, Jr. and acknowledged the foregoing instrument to be his free act and deed, before me.

*As document No. 798994

Noted on Cert. of Title NO.

152553


John P. Vignone
Notary Public

My Commission Expires:
September 21, 2001

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
DORCHESTER, MA
BOOK
ATTENT


BARRY T. MANNON, REGISTER

RECORDED
NORFOLK COUNTY
98 JUL 17 AM 11:15



Bk 25508 Pg 453 #13715
02-15-2008 @ 01:28p

Property Address:
118 Cottage Street, Franklin,
Massachusetts 02038

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
CERTIFY
William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

Deed

We, Walter Robert Burke-Hill and Christa G. Burke-Hill, of Franklin, Massachusetts in consideration of One Dollar (\$1.00) grant to Walter Robert Burke-Hill, Christa G. Burke-Hill, as husband and wife, tenants by the entirety, William Burke and Joan S. Burke, as husband and wife, tenants by the entirety with title to be held between the Hills and the Burkes as tenants in common of 118 Cottage Street, Franklin, Massachusetts 02038

with **QUITCLAIM COVENANTS**

A certain tract of land with the dwelling house thereon, situated on the southeasterly side of Cottage Street in said Franklin, bounded as follows:

Beginning on said street at the northwest corner of the premises at the center of a driveway; thence

EASTERLY: on said street, thirty-nine (39) feet more or less to land now or formerly of Henry G. Grant, thence running

SOUTHEASTERLY: on said Grant's land about one hundred and forty-one (141) feet to land now or formerly of George S. Hosie; thence

WESTERLY: on land of said Hosie, about thirty-nine (39) feet more or less to the center of said driveway; thence

NORTHERLY: in the center of said driveway, about one hundred forty-one (141) feet more or less to said street and point of beginning.

Containing sixty-six hundred twenty seven (6627) square feet of land.

This conveyance is made subject to a driveway sixteen (16) feet wide on the southwesterly side of the premises as named in a deed given by George S. Hosie to Abbie J. Smith, dated May 20, 1880 to which reference may be had for more particular description.

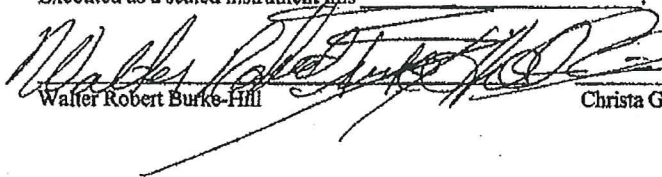
For our title see Deed dated May 30, 1995 recorded with the Norfolk County Registry of Deeds at Book 10905, Page 412.

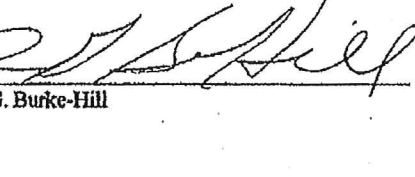
RETURN TO

William Burke
118 Cottage St
Franklin, MA
02038
Error! AutoText entry not defined.

Deed

Executed as a sealed instrument this

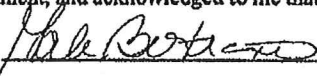

Walter Robert Burke-Hill


Christa G. Burke-Hill

Commonwealth of Massachusetts

Middlesex, ss:

On this 17th day of February 2008 before me, the undersigned notary public, personally appeared **Walter Robert Burke-Hill and Christa G. Burke-Hill**, proved to me through satisfactory evidence of identification, which were ☒ Driver's License; ☐ State ID; ☐ Passport; ☐ Other Government Issued ID; ☐ Other, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.


My Commission Expires: 8/22/2014, Notary Public



GALE BERTRAND
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES 08/22/2014

case 92-11-10

COTTAGE ST.

LULA F. COCHRANE.

COTTAGE ST. COURT
143.2 TO LINE OF COTTAGE ST.

CONCRETE BOUND.

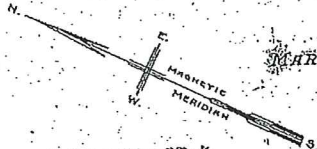
N. 26° 31' W.

27.50

RAD. 68
60.50

Spike in Root of
Large Tree

LULA F. COCHRANE.

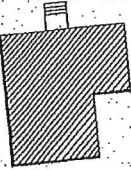


Norfolk Registry of Deeds
DEDHAM, MASS.

Received July 13, 1919, with Fee
Subscribed to by Charles H. Clapp
Attest: Walter W. Lechman
Register

LAND OF
LULA F. COCHRANE
FRANKLIN, MASS.

SCALE 1"=20' JULY 1919



AREA = 9900.30 Sq. Ft. ±

THOMAS MC KEENE ET AL.

CONCRETE BOUND.

77.75

S. 25° 45' E.

CHARLES H. CAMPBELL.

NOTE

THE WAY SHOWN ON THIS PLAN AS
COTTAGE ST. COURT WAS AT ONE TIME
CALLED HARRIS AVE & GLADSTONE AVE.

A. SCHUYLER CLAPP
CIVIL ENGINEER 425 FRANKLIN, MASS.

BK. 1515
PG. 88

Lula F. Cochrane

S.B.

117.80

S.B.

Area 11800. sq. ft. ±

Hannah B. Hosie

100.00

100.00

Lula F. Cochrane

S.B.

118.90

S.B.

COTTAGE ST. COURT

(AT ONE TIME CALLED
HARRIS & GLADSTONE AVE.)

20'

Spike in root of Tree

C.Bd.

Land of Lula F. Cochrane
Franklin, Mass.

Scale 1"=20' April 24, 1922.

C.Bd.

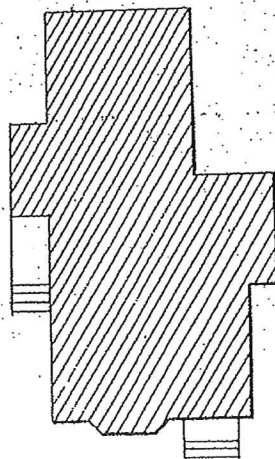
A. Schuyler Clapp C.E.
Franklin, Mass.

BK. 1518
PG. 94

Hannah B. Hosie

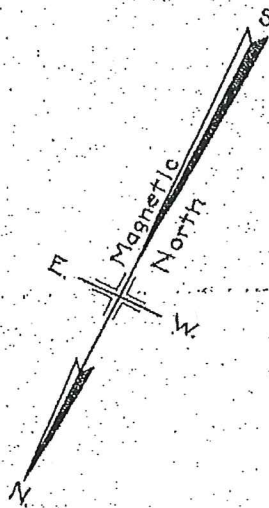
Mary-Jennie N. & Josephine L. Byrnes.

Area = 7320. sq. ft. ±



Lula F. Cochrane

Passageway



Land of Lula F. Cochrane
Franklin, Mass.
Scale 1" = 20' April 24, 1922.

S.B. to replace old Iron Pipes
51.80

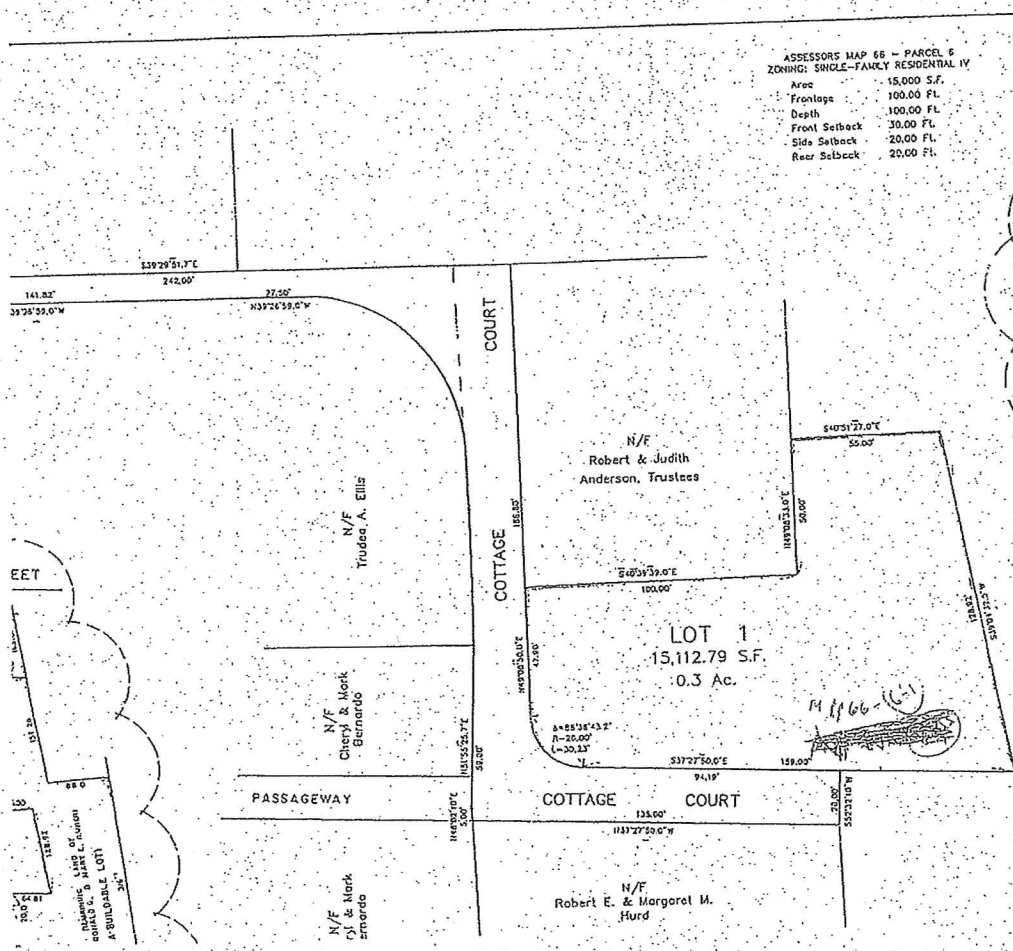
4.00

3.60

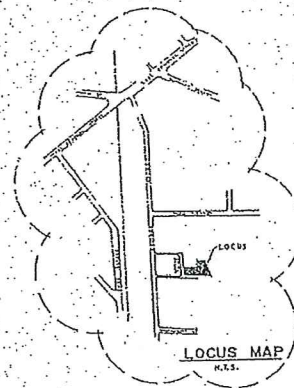
40' Line of Cottage St.

COTTAGE ST.

A. Schuyler Clapp C.E.
Franklin, Mass.



ASSESSORS MAP 66 - PARCEL 6
 ZONING: SINGLE-FAMILY RESIDENTIAL IV
 Area: 15,000 S.F.
 Frontage: 100.00 FL
 Depth: 30.00 FL
 Front Setback: 30.00 FL
 Side Setback: 20.00 FL
 Rear Setback: 20.00 FL

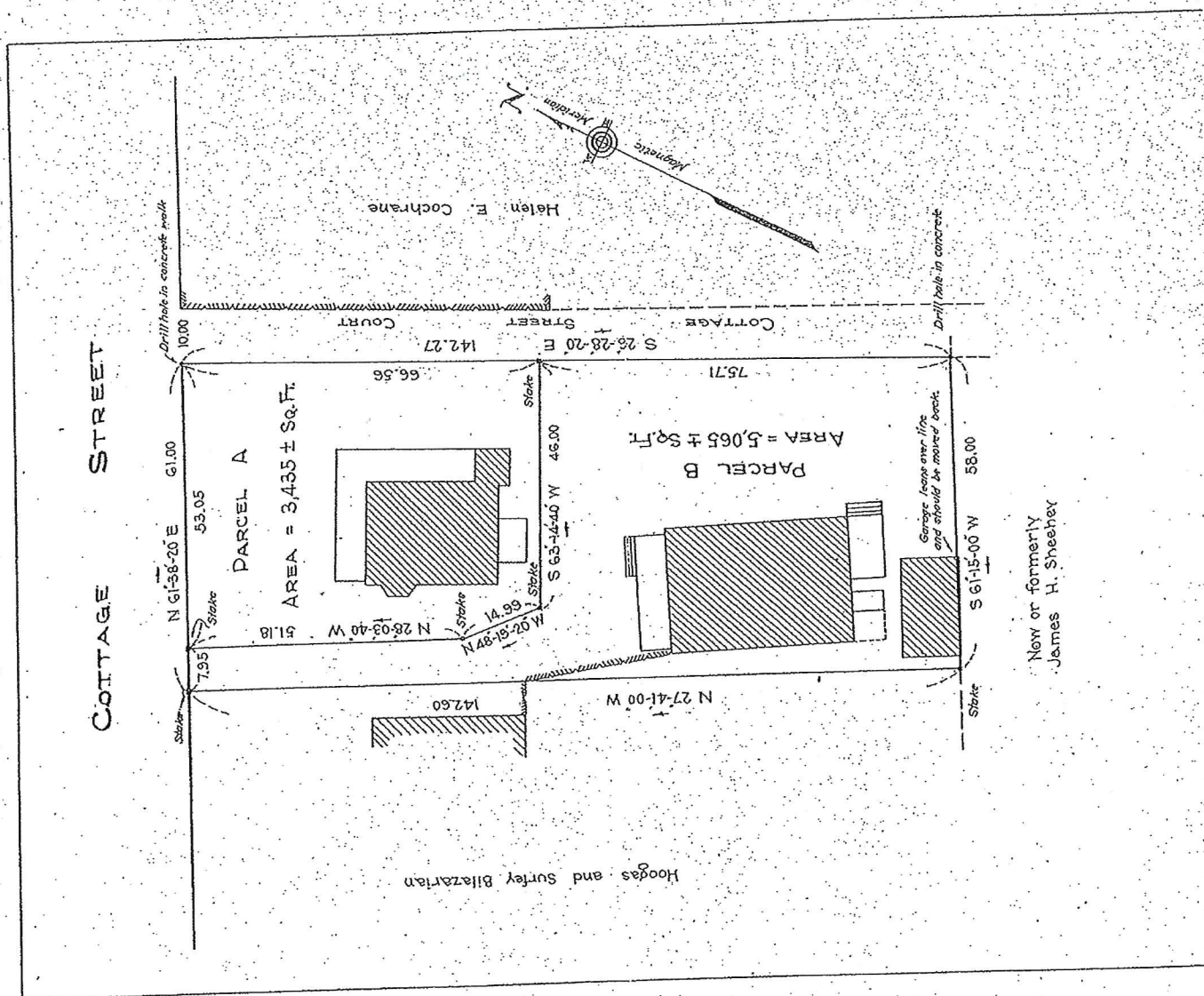


REMAINING LAND OF
 DONALD G. & MARY E.
 RANIERI

(NOT A BUILDABLE LOT)

Norfolk Registry of Deeds
 Dedham, Mass.
 Received June 25, 19 82
 With _____
 Filed as No. 356, 19 82
 Pl. Bk. 1188
 Attest [Signature]
 Register

I hereby certify that this plan is
 made in accordance with the
 regulations of the Registry of
 Deeds - Chapter 26A, §13 as
 amended and effective 1-1-78.





A message from the

Franklin Department of Public Works

257 Fisher Street – Franklin, MA 02038 – 508-520-4910

Water Conservation Rebates Now Available!

Did you know the average Franklin family spends \$800 per year in water and sewer costs? But you can save over \$200 annually by upgrading your home with WaterSense® labeled products and ENERGY STAR® qualified appliances. Toilets and clothes washers account for approximately 45% of water used inside your home. So the Town of Franklin would like to help you on



your way to saving money by providing a rebate for replacing those old water hog toilets and clothes washers with new high efficiency models!

A rebate of \$50 is available for each toilet and clothes washer replaced (limit two toilets and

one washer per household) for a total rebate of up to \$150! In addition, the Town will waive the disposal fee for your old toilet or washer at the Franklin Recycling Center, for an additional savings of \$15 per item!

How to get your Rebate!

1. Check the EPA WaterSense Water Efficient Product List for qualifying toilets or the List of Energy Star Certified Washers for qualifying washers. (Links to these lists can be found at franklin.ma.us/dpw)
2. Purchase and install a qualifying toilet or clothes washer.
3. Fill in the Rebate Application and submit to DPW within 90 days of purchase.
4. If approved,* a check and voucher to dispose of the old item at the Franklin Recycling Center will be sent right to your home!

You'll save more than just money!



High efficiency clothes washers use up to 55% less water than standard washers.



By replacing old, inefficient toilets with WaterSense labeled models, the average family can reduce water used for toilets by 20 to 60 percent—that's nearly 13,000 gallons of water savings every year!



High efficiency washers also use less overall energy so cost savings may be seen on both your water and electricity bills!



*For full rebate rules, please see the rebate applications available at the DPW Office or franklin.ma.us/dpw.

Memo

Resolution 16-31

To: Town Council

From: Jeffrey Nutting

Date: May 4, 2016

Re: Funds for Street

I am requesting the Council's consideration for appropriating \$375,000 from the remaining snow and ice account and Free Cash to Chip and Crack seal streets in Franklin (see attached list).

The DPW director will be at the meeting to answer any questions.

TOWN OF FRANKLIN

RESOLUTION NO.: 16-31

APPROPRIATION: DPW– Road Construction and Maintenance

AMOUNT REQUESTED: \$ 375,000

PURPOSE: To appropriate/transfer \$175,000 FY 16 Snow and Ice surplus and \$200,000 from Free Cash for Road Construction and Maintenance

MOTION

Be It Moved and Voted by the Town Council that the sum of One Hundred and Seventy-five Thousand Dollars (\$175,000) be transferred from FY 16 Snow & Expense 01442200-527030 and Two Hundred Thousand Dollars (\$200,000) from Free Cash for Road Construction and Maintenance and other costs related thereto.

DATED: _____, 2016

VOTED:

UNANIMOUS _____

YES _____ NO _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

Teresa M. Burr
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council

CHIP SEAL PLANNED WORK : 2016

Street	Square Yards
List A	
Kate Drive	2387
Rona Lane	3059
Chris Drive	2467
Sheila Lane	3827
Tobacco Drive	2887
Buena Vista Drive	3204
Carol Drive	2614
Alexandria Drive	2817
Eric Drive	4560
Heather Lane	1462
Kayla Drive	2396
Pasture Way	2086
Lady Slipper Lane	1896
Symmes Road	4108
Nicholas Drive	4509

Total = 44,279SY

CRACK SEAL PLANNED WORK : 2016

List A

<i>Street</i>
Kate Drive
Rona Lane
Chris Drive
Sheila Lane
Tobacco Drive
Nicholas Drive
Summer St
Alexandria Drive
Eric Drive
Heather Lane
Kayla Drive
Buena Vista Drive
Carol Drive
Pasture Way
Lady Slipper Lane
Symmes Road

List B

<i>Street</i>
School St
Pearl St
Beaver St (Union to Rt 140)
Willow St
Beaver Court
J.R.'s Lane
Mark's Way
North Park St
Winter St
Wachusett St
Dailey Drive
Irondequoit Rd
Martello Rd
Mucciarone Rd
Haverstock Rd
Sahlin Circle
Wadsworth Farm Rd
Forest St.

Memo

Bylaw Amendment 16-759

To: Town Council

From: Jeffrey Nutting



Date: May 4, 2016

Re: Refuse fee increase

I am requesting the Council's approval of a \$4.00 increase in the FY 17 Refuse fee from \$200.00 to \$204.00 and \$180.00 to \$184.00 for small totter.

We will also be using approximately \$140,000 from the surplus account to offset a larger increase.

The Refuse budget is increasing due to inflation and the cost to dispose of Recycling materials. I would anticipate increases going forward.

The good news is the Fee was \$300 in FY 2005 and the proposed fee for FY 2017 is \$204.

The DPW director will be at the meeting to answer any questions.

History of Refuse Fee

FY05 Fee	\$	300	
FY06 Fee	\$	216	
FY07 Fee	\$	240	
FY08 Fee	\$	232	
FY09 Fee	\$	244	
FY10 Fee	\$	244	
FY 11 Fee	\$	220	
FY 12 Fee	\$	220	35 gallon container
FY 13 Fee	\$	204	\$ 184
FY 14 Fee	\$	212	\$ 192
FY 15 Fee	\$	216	\$ 196
FY 16 Fee	\$	200	\$ 180
FY 17 Fee	\$	204	\$ 184



Sponsor: Administration

TOWN OF FRANKLIN
BYLAW AMENDMENT 16-759

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 (add underlined text, delete struck).

APPENDIX A
LIST OF SERVICE FEE RATES

DEPARTMENT	FEE	<u>FY 16</u> RATE	<u>FY 17</u> RATE	SERVICE CATEGORY
PUBLIC WORKS				
	CURBSIDE TRASH (ANNUAL)			
	Fee Using 65 Gallon Trash Cart	\$200.00	<u>\$204.00</u>	UTILITY
	Fee Using 35 Gallon Trash Cart	\$180.00	<u>\$184.00</u>	UTILITY

This By-Law amendment shall become effective July 1, 2016.

DATED: _____, 2016

A True Record Attest:

Teresa M. Burr
Town Clerk

VOTED:

UNANIMOUS _____
YES _____ NO _____
ABSTAIN _____
ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 16-753**

**ZONING MAP CHANGES FROM SINGLE FAMILY RESIDENTIAL IV TO
GENERAL RESIDENTIAL V IN AN AREA ON OR NEAR WEST CENTRAL STREET**

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF
FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: The Code of the Town of Franklin is hereby amended by making the following amendments to §185-5, Zoning Map:

That the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV to General Residential V an area containing **0.286±** acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Number

278-033-000

278-034-000

And the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV and Industrial, to General Residential V an area containing **3.144±** acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Number

278-031-000

278-032-000

278-035-000

And the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV and Industrial to Single Family Residential IV parcel number **278-036-000** containing **1.818 ± acres**, as shown on the Town of Franklin's Assessor's Maps.

The area to be rezoned is shown on the attached map ("West Central Street Zoning Change").

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: _____, 2016

A True Record Attest:

**Teresa M. Burr
Town Clerk**

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

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

Proposed Zoning Map Changes

Single-Family IV to General Residential V

Commercial II

Industrial

General Residential V

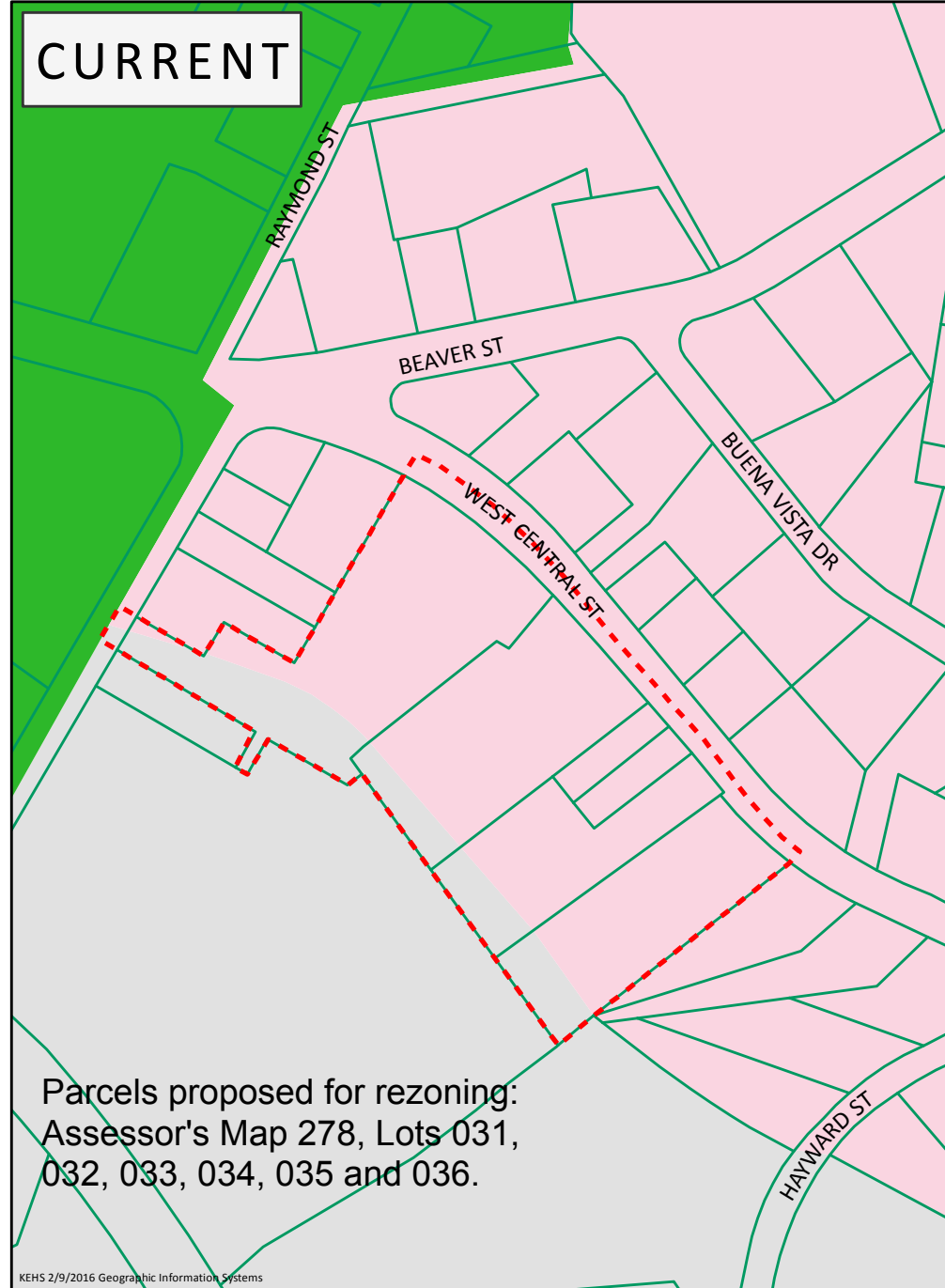
Single-Family IV

Area of Proposed Change

Parcel Line

0 125 250 500 Feet

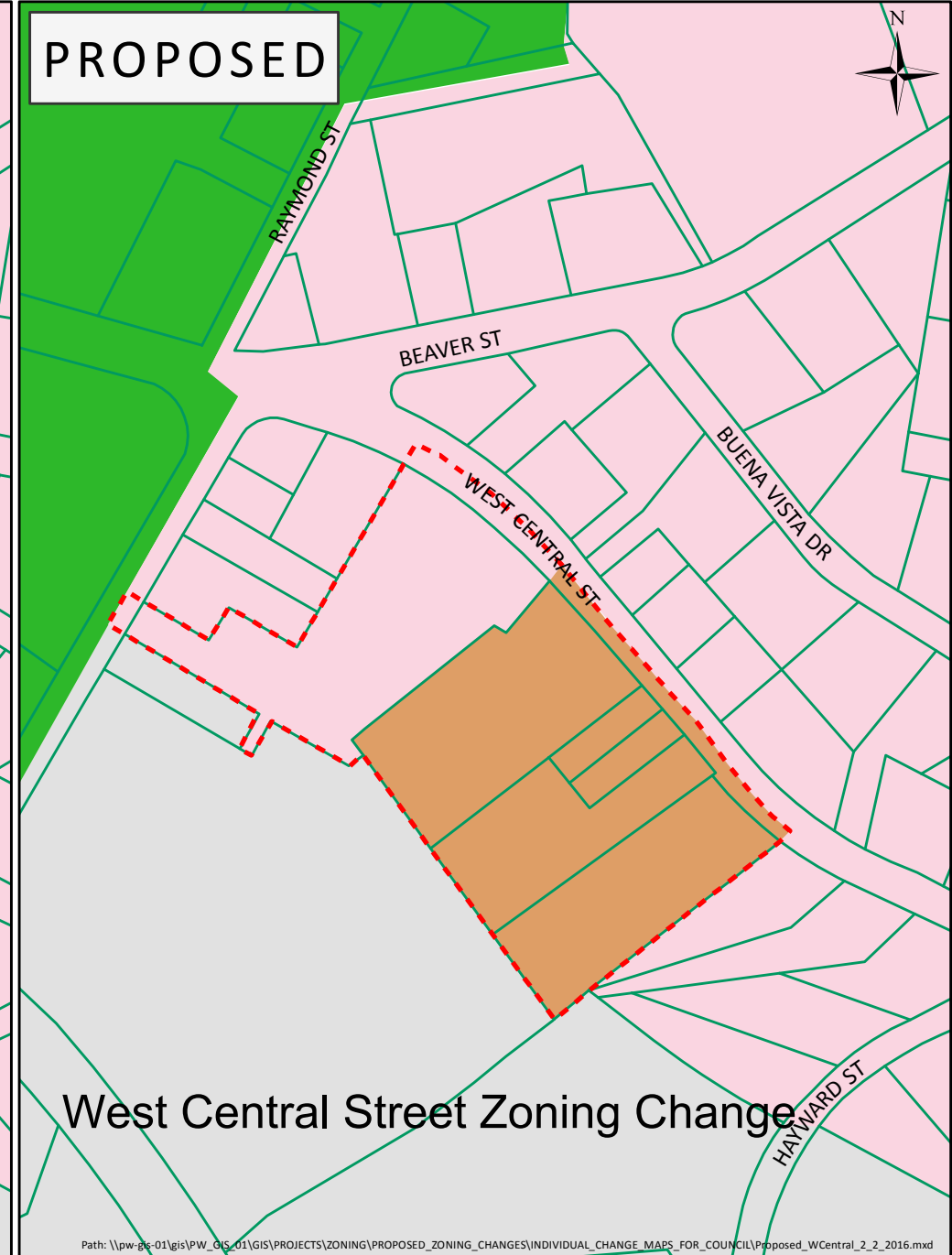
CURRENT



Parcels proposed for rezoning:
Assessor's Map 278, Lots 031,
032, 033, 034, 035 and 036.

KEHS 2/9/2016 Geographic Information Systems

PROPOSED



West Central Street Zoning Change

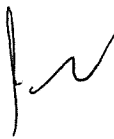
Path: \\pw-gis-01\gis\PROJECTS\ZONING\PROPOSED_ZONING_CHANGES\INDIVIDUAL_CHANGE_MAPS_FOR_COUNCIL\Proposed_WCentral_2_2_2016.mxd

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: March 17, 2016
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Rezone a Portion of West Central Street



Please find attached a proposed zoning change on West Central Street to allow a multi-family development. During the past four or five years there has been much discussion about changing the zoning to business or commercial but I have always believed the traffic was too heavy and the curve in the road made it a dangerous situation for those uses.

The idea of allowing multi-family housing similar to the abutting land to the south would make improvements to several properties within walking distance to the downtown, schools, shopping etc. without a major increase in traffic.

I believe this is a good compromise and request The Council vote to refer it to The Planning Board.

I am happy to answer any questions that you may have.

CC: Bryan Taberner, Director of Planning
Kristin Kaczmarek, Town Planner

Town of Franklin



TOWN OF FRANKLIN
TOWN CLERK

2016 APR -6 AM 8:38

RECEIVED

Planning Board

PUBLIC HEARING NOTICE

The following notice will be published in the Milford Daily Newspaper on April 11, 2016 and again on April 18, 2016.

In accordance with the provisions of M.G.L. Chapter 40A, Section 5, notice is hereby given that the Planning Board will hold a Public Hearing on April 25, 2016 at 7:20 PM and the Town Council will hold a Public Hearing on April 27, 2016, at 7:10 PM in the Town Council Chambers of the Municipal Building, 355 East Central Street, to consider amending Chapter 185, Sections 5 of the Code of the Town of Franklin, Zoning By-Law as follows:

ZONING BY-LAW AMENDMENT PROPOSED BY THE FRANKLIN TOWN ADMINISTRATION TO THE FRANKLIN TOWN CODE CHAPTER 185, SECTIONS 5.

By-Law Amendment 16-753: Changes from Single Family Residential IV to General Residential V District in an Area on or Near West Central St:

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:

The Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV to General Residential V an area containing 0.286 ± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Number

278-033-000 278-034-000

And the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV and Industrial to General Residential V an area containing 3.144 ± acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Number

278-031-000 278-032-000 278-035-000

And the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential IV and Industrial to Single Family Residential IV parcel number 278-036-000 containing 1.818 ± acres, as shown on the Town of Franklin's Assessor's Maps.

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.

The exact map of said amendment may be reviewed in the Department of Planning and Community Development during normal business hours (Monday, Tuesday and Thursday - 8:00 AM to 4:00 PM, Wednesday - 8:00 AM to 6:00 PM, and Friday - 8:00 AM to 1:00 P.M).

Please contact the Department of Planning & Community Development at 508-520-4907 if you require further information or if you need to make arrangements to provide translation services for the hearing impaired or for persons with language barriers.

Anthony Padula, Chairman
Franklin Planning Board

Matt Kelly, Chairman
Franklin Town Council

Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



Planning Board

355 East Central Street
Franklin, Massachusetts 02038-1352

April 26, 2016

Teresa Burr, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

RECEIVED
2016 APR 27 AM 8:16
TOWN OF FRANKLIN
TOWN CLERK

CERTIFICATE OF VOTE

Zoning By-law Amendment #16-753
Chapter 185-5. Zoning Map

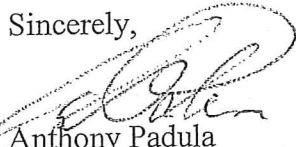
Petitioner: Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, April 25, 2016 the Planning Board, upon motion duly made and seconded, voted (4-0-1) to not recommend, *as presented*, the Zoning By-law Amendment #16-753, changes to Chapter 185-5, Zoning Map.

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

Sincerely,


Anthony Padula
Chairman

cc: Town Council
Town Administrator

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: May 11, 2016
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Compensation Plan Amendment

Annually, we propose adjustments to the compensation plan. This year we are proposing a 2% change in the plan. This does not affect individual positions or personnel. Please see attached memo from the Human Resources Director.

Please feel free to contact me with any questions.



TOWN OF FRANKLIN

RESOLUTION 16-32

Compensation Plan – FY 2017

Whereas: The Human Resources Director, pursuant to Chapter 25 of the Code of the Town of Franklin, has reviewed the Compensation Plan which establishes minimum and maximum salaries for pay ranges;

Whereas: This pay plan shall be submitted to the Town Council for approval prior to implementation.

NOW THEREFORE BE IT enacted by the Town Council of the Town of Franklin that the Compensation Plan is hereby amended as attached.

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

DATED: _____, 2016

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____


Teresa M. Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council



TO: Jeffrey Nutting, Town Administrator

FROM: Stephanie Lutz, Human Resources Director 

DATE: May 2, 2016

SUBJECT: Recommended Modification to Compensation Plan – Non-Union Positions – Effective July 1, 2016

The recommendation DOES NOT result in any changes in compensation for any employees.

A. The Basic Grade Structure.

The Human Resources Management By-Law 25- Section 8 states “From time to time the Human Resources Director will review the compensation plan, which establishes minimum and maximum salaries for pay ranges. This compensation plan shall be submitted to the Town Council for approval prior to implementation.”

The Compensation Plan, which provides the potential range (minimum to maximum) of pay for each position, was last adjusted in May of 2015 for FY16.

Sound compensation practice includes numerous factors in a recommendation for a nonunion salary range plan.

- Actions by other similar municipalities: Communities are providing 2 and 3% increases, mixed with similar increases in collective bargaining agreements.

- Prior Year Actions:

	Change in CPI	Increase to Minimums and Maximums
FY14	1.5	2%
FY15	1.7	2%
FY16	0.7	2%

- Union employees of the Municipal Workforce have their pay ranges and pay increases determined by collective bargaining agreements.
 - In FY15 union wages increased by 2.5% in July 2014.
 - In FY16 union wages increased by 2.0% in July 2015
 - In FY17 union wages to increase by 2.0% in July 2016
- The CPI-U Boston Area from March 2015 is near 1%
- BLS Compensation changes – State and Local Government from March 2015 – 2.5%
- Classification Plans in our benchmark communities across the Commonwealth are increasing between 2% and 3%

Data on our competitive market place (communities of similar size and demographics) for key positions shows that our ranges are falling behind the market and will need to be increased in line with our other communities seeking the same small pool of candidates. We also find that the average pay reported for these positions from other communities is at or near the maximum of their respective ranges.

Over the coming years, we anticipate a significant turnover of senior staff through retirements. We will then be competing for experienced employees with other communities facing the same challenge. The plan for future compensation needs is best reviewed independently of the need to advertise and make a job and salary offer.

Recommendation:

Increase the minimums and maximums of ranges by 2.0%.

This modest increase is recommended to place our compensation for key position competitively in the municipal marketplace, which will enable us to attract and retain qualified candidates.

Increase the difference between grade midpoints from 9% to 10% beginning at the senior professional level jobs, typically found at G15 and above.

Increase the minimum for grade G1 to \$10 to meet the State minimum wage.

Again, this recommendation DOES NOT result in any changes in compensation for any employees. It provides modestly competitive pay ranges for future recruiting and promotions.

If you have any questions, please do not hesitate to contact me.

Attachment

Compensation Plan				Classification Plan	Compensation Plan			
	FY16					FY17		
Min	Mid	Max		Position Title	Min	Mid	Max	
\$9.63	\$11.39	\$13.14	G1	Library Page Gate Guard Poll Worker Concession Stand Sales Person Referee	\$10.00	\$11.61	\$13.40	G1
\$17,618	\$20,824	\$24,029			\$17,970	\$21,240	\$24,510	
\$10.55	\$12.45	\$14.34	G2	Seasonal Labor, Arts/Crafts Instructors Camp/Program Counselor Life Guard Cook Supportive Day Program Assistant	\$10.76	\$12.69	\$14.63	G2
\$19,232	\$22,726	\$26,220			\$19,617	\$23,181	\$26,744	
\$11.53	\$13.60	\$15.67	G3	(Life Guard) Instructor	\$11.76	\$13.87	\$15.98	G3
\$21,018	\$24,832	\$28,645			\$21,438	\$25,328	\$29,218	
\$12.52	\$14.81	\$17.10	G4	Office Assistant I	\$12.77	\$15.11	\$17.44	G4
\$22,951	\$27,116	\$31,280			\$23,410	\$27,658	\$31,906	
\$13.71	\$16.20	\$18.69	G5	Matron, Senior Camp/Program Counselor Office Assistant II	\$13.98	\$16.52	\$19.06	G5
\$25,061	\$29,605	\$34,148			\$25,562	\$30,197	\$34,831	
\$14.95	\$17.68	\$20.40	G6	Office Assistant III, Senior Supervisor, Dispatcher Part Time, Head Life Guard, Camp/Program Director Program Supervisor, PT Bus Driver, Facilities Technician Managing Cook	\$15.25	\$18.03	\$20.81	G6
\$27,343	\$32,312	\$37,281			\$27,890	\$32,958	\$38,027	
\$16.35	\$19.32	\$22.28	G7	Engineering Aide, Van/Bus Driver, Program Coordinator	\$16.68	\$19.70	\$22.73	G7
\$29,875	\$35,297	\$40,718			\$30,473	\$36,002	\$41,532	
\$17.87	\$21.11	\$24.34	G8	Secretary Outreach Coordinator,	\$18.23	\$21.53	\$24.83	G8
\$32,630	\$38,548	\$44,465			\$33,283	\$39,318	\$45,354	
\$19.35	\$22.96	\$26.57	G9	Executive Secretary, Program Coordinator	\$19.74	\$23.42	\$27.10	G9
\$35,629	\$42,098	\$48,566			\$36,342	\$42,939	\$49,537	

\$21.30	\$25.17	\$29.03	G10	Supportive Day Care Coordinator Licensing Administrator, Web Master, Information Specialist, Senior Engineering Aide Veteran's Services Officer Facilities Administrator	\$21.73	\$25.67	\$29.61	G10
\$38,913	\$45,978	\$53,043			\$39,691	\$46,898	\$54,104	
\$23.26	\$27.48	\$31.70	G11	DPW Inspector, Construction Inspector	\$23.73	\$28.03	\$32.33	G11
\$42,491	\$50,208	\$57,924			\$43,341	\$51,212	\$59,082	
\$25.34	\$29.98	\$34.62	G12	Assistant Town Clerk, Administrative Assistant, Human Resources Administrator, Payroll Administrator Health Agent Deputy Director, Recreation	\$25.85	\$30.58	\$35.31	G12
\$46,294	\$54,771	\$63,248			\$47,220	\$55,866	\$64,513	
\$27.73	\$32.77	\$37.81	G13	Assistant to Town Administrator, Assistant Library Director, Assistant Collector/Treasurer, Appraiser, Planner I, Solid Waste Coordinator Nurse Office Manager,	\$28.28	\$33.43	\$38.57	G13
\$50,664	\$59,867	\$69,070			\$51,677	\$61,064	\$70,451	
\$30.28	\$35.79	\$41.29	G14	Conservation Agent, Assistant Highway Superintendent, Senior Inspector, Senior Appraiser, Engineering Assistant, Planner II, Environmental Affairs Specialist, System Specialist: GIS Administrator, Public Works Management Analyst Communications Administrator Database Administrator Assistant Comptroller Deputy Treasurer Collector	\$30.89	\$36.50	\$42.12	G14
\$55,324	\$65,377	\$75,429			\$56,430	\$66,684	\$76,938	

Compensation Plan				Classification Plan	Compensation Plan			
	FY16					FY17		
Min	Mid	Max			Min	Mid	Max	
\$61,666	\$72,018	\$82,370	G15	Purchasing Agent, Assistant Water/Sewer Superintendent, Director Council on Aging	\$62,350	\$73,352	\$84,355	G15
\$33.75	\$39.42	\$45.08			\$34.13	\$40.15	\$46.17	
\$65,975	\$77,960	\$89,945	G16	Highway Superintendent, Parks and Ground Superintendent Recreation Director, Director of Assessing Manager of Public Facilities	\$68,585	\$80,688	\$92,791	G16
\$36.25	\$42.84	\$49.42			\$37.54	\$44.17	\$50.79	
\$72,038	\$85,128	\$98,217	G17	Building Commissioner, Library Director, Health Director, Director, Planning and Community Dev., Water/Sewer Superintendent Assistant Town Engineer	\$75,443	\$88,756	\$102,070	G17
\$39.58	\$46.78	\$53.97			\$41.30	\$48.58	\$55.87	
\$78,675	\$92,966	\$107,257	G18	Comptroller, Human Resources Director Police Lieutenant Treasurer Collector	\$82,987	\$97,632	\$112,277	G18
\$43.06	\$50.89	\$58.71			\$45.42	\$53.44	\$61.46	
\$85,911	\$101,518	\$117,125	G19	Town Engineer DeputyDirector/ DPW Operations, Director of Public Facilities Operations Finance Director Deputy Police Chief * Deputy Town Administrator Deputy Fire Chief**	\$91,286	\$107,395	\$123,505	G19
\$47.02	\$51.67	\$56.31			\$49.97	\$58.78	\$67.60	
\$93,815	\$110,855	\$127,894	G20	Police Chief* Fire Chief, DPW Director, Town Solicitor	\$100,415	\$118,135	\$135,855	G20
\$45.10	\$53.30	\$61.49			\$54.96	\$64.66	\$74.36	

* Police Chief, Deputy Police Chief, Police Lieutenant salaries do not include Educational Incentive.
**Deputy Fire Chief salary does not include EMT stipend.

NEW
BUSINESS

Memorandum

May 2, 2016

To: Matt Kelly, Chair, Town Council

From: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy TA, Mark Cerel, Town Attorney

Re: Agenda format alteration

Town staff is recommending a minor change to the format of the Council agendas by removing “Old Business” and “New Business” from the standard agenda template and replacing those items with “Future Agenda Items.” Please see the attached page with track changes that depict the proposed changes.

This request is to comply with recent Open Meeting Law decisions from the Attorney General’s Office, which has determined these two agenda items do not meet the criteria outlined in the Open meeting Law to provide “sufficient specificity to reasonably advise the public of the issues to be discussed at a [public] meeting.” I have attached the most recent decision regarding this topic and highlighted the relevant text. There are numerous other decisions by the AG on this topic previous to the attached case.

By making this minor change, the Town will be in compliance with the standards of the Open Meeting Law and the Attorney General’s Office.

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. Future Agenda Items ~~Old Business~~
- ~~M. New Business~~
- ~~N.M.~~ Council Comments
- ~~O.N.~~ Executive Session
- ~~P.O.~~ Adjourn

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

During "Future Agenda Items~~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 "Future Agenda Items~~New Business~~" so determine, such matters will be included on a future agenda for consideration by the Council. Debate during "Future Agenda Items~~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.



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

TEL: (617) 727-2200
www.mass.gov/ago

March 30, 2016

OML 2016 – 45

John W. Grande
Town Administrator
Town of Tisbury
51 Spring St., Box 1239
Vineyard Haven, MA 02568

RE: Open Meeting Law Complaint

Dear Mr. Grande:

This office received a complaint from Lynne Fraker, dated January 19, 2016, alleging that the Tisbury Board of Selectmen (the Board) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on December 7, 2015, and you responded, on behalf of the Board, by letter dated December 29, 2015.¹ In her complaint, Ms. Fraker alleges that the Board discussed a topic during its November 24, 2015 meeting that was anticipated but not listed in the meeting notice.²

Following our review, we find that the Board violated the Open Meeting Law as alleged. In reaching this determination, we reviewed the original complaint filed with the Board and its attachments; the Board's response and its attachments, including select correspondence and the notices and minutes of the Board's November 17, 2015 and November 24, 2015 meetings; and the complainant's request for further review by our office, along with the attachments thereto. Additionally, we spoke with the complainant via telephone on February 1, 2016 and with Town Administrator John Grande on March 1, 2016. We reviewed emails from the Town

¹ For the purpose of clarity, we refer to you in the third person hereafter. We remind the Board that, within 14 business days of receipt of an Open Meeting Law complaint (unless an extension of time has been granted), a public body must, within send a copy of the complaint to the Attorney General's Office and notify the Attorney General's Office of any remedial action taken. G.L. c. 30A, § 23(b); 940 CMR 29.05(5), (6).

² The complaint also alleges that, "[t]he Town of Tisbury regularly violates the open meeting law when posting meetings and agendas . . . the agenda posted on Friday afternoon is never the same as the agenda presented the night of the meeting. This includes the agenda posted online, which is usually posted on Monday, 24hrs before the Tuesday meeting. Revised agendas should be marked revised." We decline to review these allegations, as our office will not conduct broad audits of public bodies based on generalized allegations.

Administrator to our office, received on March 1, 2016. We also reviewed a video recording of the Board's November 17, 2015 meeting.³

FACTS

We find the facts as follows.

The Board met on November 17, 2015. During the meeting, the Shellfish Constable appeared before the Board to request a transfer of funds to replace a mooring buoy in the Lagoon Pond (the pond). After this noticed topic was discussed, Board member Melinda Loberg asked the Shellfish Constable for an update on the scallop season. In response, the Shellfish Constable reported that just over 500 bushels of scallops had been harvested from the pond thus far. She then suggested that the season be closed, citing damage to shellfish habitat, eelgrass, and seed. At that point, the Chair, Tristan Israel, noted that this topic was not on the agenda for that night, adding that he felt some advance notification of closing the pond to scalloping should be announced at a Board meeting. A brief discussion followed, during which the Constable noted she had authority to simply close the season, and the Chair agreed, but expressed a desire that the decision be announced at a meeting so the public could learn of it. The Town Administrator also stated that the closing of the scalloping season is in the purview of the Shellfish Constable, thus this should take the form of a recommendation by the Shellfish Constable, announcing the date when the pond will be closed to scalloping. After additional discussion, the Shellfish Constable announced that she was recommending that the scalloping season at the pond be closed in one week, on November 25, 2015. The Board agreed and noted that this would be back formally on the agenda on Tuesday, November 24, 2015. The Board then agreed to put the topic on the agenda for the next week's meeting, for the purpose of publicizing the closure of the pond and the harbor to scalloping.

On November 20, 2015, notice was posted for a November 24, 2015 meeting of the Board. The notice listed nine topics for discussion, including "Old Business," "New Business," and "Public Comment." It did not include any reference to the closure of Lagoon Pond to scalloping.

On Sunday, November 22, 2015, the complainant sent an email to the Town Administrator and the Selectmen to inquire as to why the discussion about closing the scallop season was not on the agenda for the next Board meeting. She received no response.

On November 23, 2015, the Town Administrator emailed the Shellfish Constable, copying the selectmen, noting that Ms. Fraker had inquired about the absence of the impending closure from the agenda for the next Board meeting. He asked whether people were aware of the impending closure. In response, Selectman Gomez wrote, "Doesn't this fall under old business?"⁴ The Town Administrator replied to him, the Shellfish Constable, and the other Board

³ The video is available at: <http://www.mvmtv.org/video-on-demand-castus-mich/>

⁴ We remind the Board that the Open Meeting Law carves out a limited exception to the definition of "deliberation" for the distribution of certain administrative documents, such as a meeting agenda or scheduling information, provided that no opinion of a public body member is expressed. *See* G.L. c. 30A, § 18. Apart from this limited exception for certain written materials, a quorum of a public body may not communicate on matters within its jurisdiction outside of a meeting. *See* OML 2015-139.

members simply, "It can." The Shellfish Constable also replied to the Town Administrator, explaining that she believed that interested parties were aware of the closure.

The Board did not revise the posted agenda for the November 24, 2015 Board meeting after this email exchange, but a revised agenda was distributed to attendees at the meeting. The revised agenda removed a subtopic that previously appeared under "Discussion Session," and added under "Old Business" the following subtopic:

"Shellfish Constable and Shellfish Advisory Committee Recommendation – Reminder that Closure of Lagoon Pond and Outer Harbor to Scalloping will be Effective Wednesday, November 25, 2015 – 7:00 a.m."

In its response to the complaint, the Board states the following:

"In order to make sure that the intent of the Selectmen's discussion at the prior meeting (November 17th, was noted, this item was added (under OLD BUSINESS, by the Assistant to the Town Administrator), to the meeting agenda in order to make sure that this was not perceived as an intentional omission, to assure that all parties with an interest in the scalloping season, were made aware of the Shellfish Constable's recommendation to close down the pond to scalloping effective November 25th."

During the Board's November 24, 2015 meeting, a memo from the Shellfish Constable was read into the record, after which the Shellfish Constable reminded everyone that the pond and the Outer Harbor areas would be closed to scalloping at 7 a.m. the next day. Discussion then ensued between the Board members regarding the issue, during which members of the public, including the complainant, expressed their concerns about closing of the pond. They noted that they had no prior notification that it was about to happen, and that only certain people knew about it. Ultimately, the Board voted 2 to 1 to "close Lagoon Pond to scalloping and to leave the areas outside the pond open to scalloping until 12-31-2015."

DISCUSSION

In her complaint, Ms. Fraker requests that the Board's decision to close the pond made during the November 24, 2015 meeting be invalidated, due to the Board's failure to properly post the discussion topic, and that "the pond should remain open until the discussion on the closure of the Lagoon is properly posted."

The Board acknowledges that the Shellfish Constable's recommendation regarding closure of the scallop season was not listed as a topic in the posted notice for its November 24, 2015 meeting. The Board's response suggests that because it announced at the November 17, 2015 meeting that the topic would be discussed at the next meeting, and because certain interested parties were generally aware of the Shellfish Constable's recommendation, there was no requirement to list the topic on the notice for the November 24, 2015 meeting. The Board is mistaken in this regard. Public bodies are required to list topics in a meeting notice with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03(1)(b). We generally consider a topic to include sufficient specificity when a reasonable member of the public could read the topic and understand the anticipated

nature of the public body's discussion. See OML 2011-44.⁵ A boilerplate topic such as "Old Business" does not offer the public an understanding of the anticipated topics to be discussed at that particular meeting. See OML 2013-14. Best practice is therefore to use "Old Business" as a heading below which more specific topics are listed. See OML 2015-74. Because the Shellfish Constable has the authority to close the pond, we decline to order nullification of the Board's vote in this instance.

CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by failing to list an anticipated topic on its meeting notice. We order immediate and future compliance with the law's requirements, and we caution that similar future violations could be considered evidence of intent to violate the law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

Sincerely,



Hanne Rush
Assistant Attorney General
Division of Open Government

cc: Tisbury Board of Selectmen
Lynne Fraker

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty one days of receipt of a final order.

⁵ Open Meeting Law determinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.