

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
March 7, 2012**

A meeting of the Town Council was held on Wednesday, March 7, 2012 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Robert Dellorco, Glenn Jones, Matt Kelly, Thomas Mercer, Judith Pfeffer, Tina Powderly, Jeff Roy, Robert Vallee. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator, Mark Cere; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator. Other officials present: Planning Director Bryan Taberner, Town Planner Beth Dahlstrom, Susan Gagner Town Comptroller.

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

APPROVAL OF MINUTES: *November 2 and November 16, 2011 Regular Session, February 16, 2012 Executive Session* **MOTION** by Councilor Powderly to approve all minutes **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0.**

ANNOUNCEMENTS: Chairman Vallee announced that Comcast, Verizon and Franklin Matters are recording the Town Council meeting.

PROCLAMATIONS/RECOGNITIONS: NONE

CITIZEN COMMENTS: ► Frank Falvey commented on the length of time a citizen is given to respond to resolutions. ► Graydon Smith of 13 Flynn Road spoke on behalf of the Franklin Republican Town Committee and read the Committee's Resolution in support of the high school debt exclusion ballot question on March 27, 2012 to finance the construction of Franklin High School. ► Jeff Roy spoke in his role as Chairman of the Franklin Democratic Town Committee and read their Committee's Resolution in support of the high school debt exclusion, and called on the citizens of Franklin to vote in favor of the school project.

HEARINGS: *Zoning Bylaw Amendment 12-669: Amendment to Chapter 185-45 – Administration and Enforcement – 7:10PM:* Bryan Taberner; Planning Director outlined changes to the bylaw which affect sign size based on four proposed sign districts: Residential, Downtown Commercial, Industrial & Office Zoning and Corridor. **MOTION** by Counselor Powderly to close the public hearing **SECONDED** by Counselor Jones. **VOTE to Approve: Yes-9, No-0.**

Zoning Bylaw Amendment 12-670: Amendment to Chapter 185-3 – Definitions: **MOTION** by Counselor Jones to close the public hearing **SECONDED** by Counselor Kelly. **VOTE to Approve: Yes-9, No-0.**

Zoning Bylaw Amendment 12-671: Amendment to Chapter 185-4 – Districts Enumerated: **MOTION** by Counselor Jones to close the public hearing **SECONDED** by

Counselor Kelly. **VOTE to Approve: Yes-9, No-0.**

Zoning Bylaw Amendment 12-672: Amendment to Chapter 185-20 – Signs: ► Citizen Frank Falvey commented on the “Political Sign” provision stating in his opinion the provision limits Freedom of Speech. ► Counselor Roy said he would not support the bylaw amendment as proposed because of the “Political Sign” provision; which restricts how long a political sign can be posted on residential property. Counselor Roy believed the provision would be foolish to enforce as well as unconstitutional. ► Town Attorney Mark Cerel clarified the Town’s intention is based on public safety and aesthetics rather than to restrict citizens rights. ► Town Administrator Nutting provided background on why the bylaw amendment is necessary; primarily because banners are not currently allowed and this bylaw amendment would allow some use of banners. **MOTION** by Counselor Jones to close the public hearing **SECONDED** by Counselor Kelly. **VOTE to Approve: Yes-9, No-0.**

APPOINTMENTS: NONE.

LICENSE TRANSACTIONS: BBRG TR, LLC d/b/a Joe’s American Bar & Grill – Change of LLC Managers & Update of Ownership Chart has been received: **MOTION** by Counselor Pfeffer to approve the request by BBRG TR, LLC d/b/a Joe’s American Bar & Grill for a change of LLC Managers & Update of Ownership Chart **SECONDED** by Counselor Jones. **VOTE to Approve: Yes-9, No-0.**

PRESENTATIONS/DISCUSSIONS: Annual Financial Statements For the Year Ended June 30, 2011 – Town Comptroller Susan Gagner introduced Scott McIntire and Maggie Dupree of the accounting firm Melanson & Heath. Mr. McIntire provided a quick overview of the Town’s financial statement and reported the records were in good working order. Mr. McIntire reported the General Fund showed a small improvement, the Long-Term Prospective showed a little bit of a decline of net asset position due to the new accounting standard that requires municipalities to take into account Other Post-Employment Benefits (OPEB). Mr. McIntire made the following recommendations: Follow up on previous year’s recommendation to develop a more formal risk assessment process and tighten up the policies and procedures of the various departments so they are more uniform in how they handle cash, etc. **DISCUSSION:** Counselor Powderly expressed concern regarding OPEB, specifically the Town must address this issue or OPEB will cripple the Town. Citizen Frank Falvey commented on the amount of time it took for the auditors to produce the FY 2011 Report. Chairman Vallee thanked the auditors for their work.

Remote Participation – Mr. Nutting stated he had sent draft Remote Participation regulation to each council member, which can be adjusted as needed. Mr. Nutting reviewed a few of the guidelines including limiting Remote Participation to one council member per meeting and requiring a minimum of 4 hours notice of a council member’s plan to use Remote Participation.

5-Minute Recess called at 8:11PM by Chairman Vallee.

SUBCOMMITTEE REPORTS: *Economic Development Sub-Committee* – Councilor Jones announced the next meeting will be held on April 5, 2012.

LEGISLATION FOR ACTION:

Resolution 12-14: Authorization to Borrow-Purchase of Trash Totters – Amended: Councilor Pfeffer read the resolution to appropriate \$480,000 from Solid Waste Retained Earnings to Solid Waste Debt Service for the payment of principal of the Note at its maturity on May 2, 2012. **MOTION** by Councilor Jones to move Resolution 12-14, As Amended **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained through the town’s increased recycling efforts, decreased amount of trash and through a grant, the town will not only be able to pay off the debt three years early, but will also be able to reduce trash fees. **VOTE to Approve: Yes-9, No-0.**

Resolution 12-15: Designation of “Special Municipal Employee” Under State Ethics Law – Councilor Pfeffer read the resolution to make an express classification of the members of the Citizens’ Committee and the Master Plan Committee as “special town employees” under the terms and provisions of G.L. Chapter 268A as provided in Section 1, Paragraph (n) of said statute. **MOTION** by Councilor Jones to move Resolution 12-15 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting stated this resolution was standard procedure to protect those on committees from conflict of interest laws when it is no fault of their own. **VOTE to Approve: Yes-9, No-0.**

Resolution 12-16: Master Plan Committee – Amended: Councilor Pfeffer read the resolution to specify the Master Plan Committee may include up to 15 members. **MOTION** by Councilor Jones to move Resolution 12-16 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting explained this is a technical correction, does not change the number of members but includes the number of members on the resolution. **VOTE to Approve: Yes-9, No-0.**

Resolution 12-17: Appropriation Elections & Registrations – Councilor Pfeffer read the resolution to appropriate \$10,000 from Free Cash to the Elections & Registrations 2012 budget. **MOTION** by Councilor Jones to approve Resolution 12-17 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said the funds are being requested to pay for the special election. **VOTE to Approve: Yes-9, No-0.**

Resolution 12-18: Veteran’s Benefits – Councilor Pfeffer read the resolution to appropriate \$30,000 from Free Cash to the Veteran’s Benefits 2012 budget. **MOTION** by Councilor Pfeffer to approve Resolution 12-18 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the need for Veteran’s Benefits are at an all time high with 28 cases this year. **VOTE to Approve: Yes-9, No-0.**

Resolution 12-19: Beaver Street Recycling Center – Councilor Pfeffer read the resolution to appropriate \$10,000 from Free Cash to the Beaver Street Recycling Center. **MOTION** by Councilor Pfeffer to approve Resolution 12-10 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained this is part of the Capitol Plan, which will be voted on in early April. Voting on this portion of the Capitol Plan tonight would allow the town to apply for a \$20,000 grant. **VOTE to Approve: Yes-9, No-0.**

Bylaw Amendment 12-669: Chapter 185-45, Administration and Enforcement – 1st Reading: MOTION by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0.** MOTION by Councilor Powderly to move Bylaw Amendment 12-669 to a 2nd Reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0.**

Bylaw Amendment 12-670: Changes to 185-3, Definitions – 1st Reading: MOTION by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0.** MOTION by Councilor Powderly to move Bylaw Amendment 12-670 to a 2nd Reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0.**

Bylaw Amendment 12-671: Changes to 185-4, Districts Enumerated – 1st Reading: MOTION by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0.** MOTION by Councilor Powderly to move Bylaw Amendment 12-671 to a 2nd Reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0.**

Bylaw Amendment 12-672: Changes to 185-20, Signs – 1st Reading: MOTION by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0.** MOTION by Councilor Powderly to move Bylaw Amendment 12-672 to a 2nd Reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0.** MOTION by Councilor Roy to amend Subsection B3 of the Bylaw to remove the one-week time limit whereby political signs must be removed from residential properties following an election. **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-5, No-4.**

Bylaw Amendment 12-673: Amendment to Sewer System Map – 2nd Reading: Councilor Pfeffer read the bylaw amendment to add 44 Daniels Street to the Sewer System Map. MOTION by Councilor Jones to adopt Bylaw Amendment 12-673 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said the Sewer System Map is being adjusted to include a house. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes.** **VOTE to Approve: 9 – 0 – 0 Unanimous.**

Bylaw Amendment 12-679: Amendment of Service Fees – 2nd Reading: Councilor Pfeffer read the bylaw amendment to amend the List of Service Fees MOTION by Councilor Jones to approve Bylaw Amendment 12-679 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explains need to adjust fees and standards regarding solar panels. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes.** **VOTE to Approve: 9 – 0 – 0 Unanimous.**

Bylaw Amendment 12-680: Amendment of Service Fees, Solid Waste and Recycling – 1st Reading: Councilor Pfeffer read the bylaw amendment to amend Service Fee Rates. MOTION by Councilor Jones to move Bylaw Amendment 12-680 to a 2nd Reading **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained this

amendment is to reduce existing fees of trash carts and put a \$10 fee on bulk burners. Councilor Jones asks about reducing the \$150 fee for additional trash carts. Mr. Nutting explains the fee reflects an already reduced rate and the rate is necessary to discourage folks from generating more trash. **VOTE to Approve: Yes-9, No-0.**

TOWN ADMINISTRATOR'S REPORT: NONE.

OLD BUSINESS: Councilor Roy inquired about an update from National Grid. Mr. Nutting stated he had met with National Grid representatives and will follow-up with the power company.

NEW BUSINESS: ► Councilor Dellorco noted several complaints he received regarding snow removal efforts during the last snowstorm. Robert Cantoreggi, Director of Public Works was available to explain the decision to use only Town trucks with a few snow removal contractors.

COUNCILOR COMMENTS: ► Councilor Roy invited fellow councilors to Monday's Democratic Town Committee meeting which will include a guest speaker who will discuss the People's Rights Amendment. ► Councilor Mercer reminded everyone of two upcoming New Franklin High School presentations which will offer tours of the existing high school and provide information regarding the New High School Project. ► Councilor Powderly congratulated the Mock Trial Team as the team advances to the "elite eight" and to the Girls Franklin High School Basketball Team as the team heads to "states". ► Councilor Pfeffer offered well wishes to Bob Dean. ► Councilor Jones invited Boy Scout Troop #2 to the next Town Council Meeting and announced Davis Thayer's main fundraiser will be held at the Adirondack Athletic Club on Saturday. ► Councilor Bissanti thanked the DPW for their quick response to a water issue at the industrial park.

ADJOURN: MOTION by Councilor Mercer to adjourn **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0.** Meeting adjourned at 8:53PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary