

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
March 21, 2012**

A meeting of the Town Council was held on Wednesday, March 21, 2012 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Robert Dellorco, Glenn Jones, Matt Kelly, Thomas Mercer (via Remote Participation), Judith Pfeffer, Tina Powderly, Jeff Roy, Robert Vallee. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator, Mark Cerel; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator. Other officials present: Bryan Taberner; Planning Director, Beth Dahlstrom; Town Planner.

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: *December 7, 2012 Regular Session* – **MOTION** by Councilor Powderly to approve the minutes **SECONDED** by Councilor Jones. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

ANNOUNCEMENTS: Chairman Vallee announced Comcast, Verizon and Franklin Matters are recording the Town Council meeting. ► Chairman Vallee also announced Councilor Mercer will be participating remotely and all votes will be done by “roll call”.

PROCLAMATIONS: NONE.

RECOGNITIONS: Chairman Vallee recognized former Town Council Chairman Norman Ristaino who recently passed away. ► Chairman Vallee announced the Chamber of Commerce has named Dean College President Paula Rooney the 2012 Aetna Award Recipient.

CITIZEN COMMENTS: NONE.

APPOINTMENTS: *Anthony J. Molinaro – Franklin Disability Commission:* **MOTION** by Councilor Pfeffer to ratify the appointment of Anthony J. Molinaro of 263 Glen Meadow Road to the Franklin Disability Commission **SECONDED** by Councilor Jones. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

HEARINGS: NONE **LICENSE TRANSACTIONS:** NONE

PRESENTATIONS/DISCUSSIONS: *Letter To The Editor* – Councilor Powderly read a letter unanimously approved by both the Finance Committee and the Franklin School Committee which supports the proposed New Franklin High School Project. The letter was written with the intent to be published in local newspapers. **MOTION** by Councilor Powderly to endorse the letter as written **SECONDED** by Councilor Jones. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

Planning & Community Development – Bryan Taberner; Planning & Community Development Director and Beth Dahlstrom; Town Planner presented the Council with an update on the Planning &

Community Development Department. Mr. Taberner reported the Department is very productive given the small staff that it has to operate. The biggest priority is to support the Town's Boards, Commissions and Committees. The Department has been involved in updating the Master Plan and the Affordable Housing Strategy and Development Action Plan. The Department has created a Downtown Commercial Zoning District and is working on Special Permit Criteria and a complete re-write of the Sign Bylaw. The Department is also working on a variety of other projects consisting of: Site Plan and Design Review Changes, Accessory Dwelling Units, Economic Development, Biotechnology Overlay District, Business attraction and retainment, Marketing Brochures and Downtown Revitalization. Chairman Vallee thanked Mr. Taberner and Ms. Dahlstrom for the presentation.

SUBCOMMITTEE REPORTS: *Master Plan Committee* – Councilor Roy provided an update for the Council. Public Hearings will take place on the evening of Wednesday May 9th and on the morning of Saturday May 19th. The purpose of the hearings are to reach out to as many folks as possible. Councilor Roy said he expects to be able to provide the Council with an Interim Report in November.

LEGISLATION FOR ACTION:

Resolution 12-20: Adoption of Amendment to Town Council Procedures Manual - Councilor Pfeffer read the resolution to amend The Procedures Manual of the Town Council by adding a new policy on Remote Participation at XXXVI. **MOTION** by Councilor Jones to move Resolution 12-20 **SECONDED** by Councilor Powderly. (**Disconnect:** Remote Participation Connection was disconnected at 7:27PM.)

(**Reconnect:** Remote Participation Reconnected at 7:29PM.) (**Explanation of Remote Participation:** Councilor Roy explained how Remote Participation works by using Skype and how the technology allows councilors that would be otherwise unavailable to fully participate in Council Meetings.) **ROLL CALL ON MOTION: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

Resolution 12-21: Amendment to Creation of a Citizen Committee – Councilor Pfeffer read the resolution to create a committee to allow for participation by the citizens to provide valuable input in critical areas. **MOTION** by Councilor Jones to move Resolution 12-21 **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

Bylaw Amendment 12-674: Chapter 48, Tobacco Products – **MOTION** by Councilor Jones to waive the reading **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.** **DISCUSSION:** Mr. Nutting explained this is the first of several existing bylaws that have been updated as they relate to State Laws and day-to-day use. This particular bylaw is no longer necessary as tobacco use is regulated by the State. **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 12-675: Chapter 63, Numbering of Buildings – 1st Reading: Councilor Pfeffer read the bylaw amendment to revise language and add a new section. **MOTION** by Councilor Jones to move Bylaw Amendment 12-675 to a 2nd Reading **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

Bylaw Amendment 12-676: Chapter 84, Fire Alarms – 1st Reading: **MOTION** by Councilor Jones to

waive the reading **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.** **MOTION** by Councilor Jones to move Bylaw Amendment 12-676 to a 2nd Reading **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

Bylaw Amendment 12-677: Chapter 86, Fire Lanes – 1st Reading: Councilor Pfeffer read the bylaw amendment to revise language and add a new section. **MOTION** by Councilor Jones to move Bylaw Amendment 12-677 to a 2nd Reading **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

Bylaw Amendment 12-678: Chapter 95, Garbage, Rubbish and Refuse – 1st Reading: Councilor Pfeffer read the bylaw amendment to strike the existing chapter in its entirety as duplicative of or inconsistent with Town Code Chapter 125, Section 14 (anti-littering) and/or Chapter 151 Solid Waste. **DISCUSSION:** Councilor Powderly asked for clarification and Mr. Cerel stated this is a broader prohibition of littering. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

Zoning Bylaw Amendment 12-669: Chapter 185-45, Administration and Enforcement – 2nd Reading: **MOTION** by Councilor Jones to waive the reading **SECONDED** by Councilor Powderly. **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.** **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 12-669 **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

Zoning Bylaw Amendment 12-670: Chapter 185-3, Definitions – 2nd Reading: **MOTION** by Councilor Jones to waive the reading **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 12-670 **SECONDED** by Councilor Kelly. **DISCUSSION:** ► Councilor Pfeffer stated she would not vote in favor of the amendment, as she believes the amendment is too conservative and does not support attracting businesses to the Town. Additional discussion centered on the fairness of the amendment, use of banners and a possible double standard for local businesses verses national chains. ► Ms. Dahlstrom stated there is no “double standard”, and Mr. Nutting confirmed every business is treated the same. ► Mr. Cerel explained the necessity to attempt to control business signs. Mr. Cerel said with today’s technology the posted signs can be extremely distracting to drivers and the proposed changes have been fully vetted with the business community and a lot of time has been spent working on this bylaw. ► Councilor Roy spoke in favor of supporting the bylaw amendment as written and then if small changes need to be made, the Council can look at those at a later date. Councilor Roy also stated passing this bylaw amendment as is, was preferable to continuing with the existing bylaw. ► Councilors Bissanti and Kelly stated the signs used by realtors do not meet the size criteria as written in the new bylaw. ► Councilor Pfeffer added that if this bylaw passes, realtors will incur expenses related to replacing their existing signs in order to comply with the bylaw.

RECESS: Mr. Nutting requested a two-minute recess at 7:58PM. Chairman Vallee approved.

MEETING RESUMED: 8:00PM

Zoning Bylaw Amendment 12-670: Chapter 185-3, Definitions. ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-No, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 8 – 1– 0.

Zoning Bylaw Amendment 12-671: Chapter 185-4, Districts Enumerated – 2nd Reading: MOTION by Councilor Jones to waive the reading **SECONDED** by Councilor Powderly. **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. MOTION** by Councilor Jones to move Zoning Bylaw Amendment 12-671 **SECONDED** by Councilor Powderly. **DISCUSSION:** Councilor Pfeffer stated she would not support this bylaw amendment, as the amendment is unfair to businesses. **ROLL CALL: Bissanti-No, Dellorco-No, Jones-Yes, Kelly- No, Mercer-Yes, Pfeffer-No, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE: 5 – 4 – 0. MOTION FAILS.**

Zoning Bylaw Amendment 12-672: Chapter 185-20, Signs – 2nd Reading: MOTION by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous. MOTION** by Councilor Jones to move Zoning Bylaw Amendment 12-672 **SECONDED** by Councilor Powderly. **MOTION** by Councilor Roy to amend Section D, 2a under Temporary Signs for real estate signs to be increased from 4 square feet to 5 square feet for residential signs, and from 12 square feet to 20 square feet for commercial signs **SECONDED** by Councilor Powderly. **DISCUSSION:** ► Councilor Pfeffer stated she would not support this bylaw as Design Review should not have anything to do with signs and the bylaw is unfair to businesses. ► Councilor Powderly requested clarification on the number of districts represented along Route 140 in Franklin. Mr. Taberner said the expanse of Route 140 in Franklin span 4 different districts; Downtown Core, Residential, Commercial Strip Areas and Industrial Areas. ► Mr. Cerel defended the proposed bylaw as a significant improvement over the existing bylaw as it better defines what is and is not permitted. ► Chairman Vallee reminded the Council the bylaw can be adjusted as deemed necessary at a future Council Meeting. **Vote to Approve Amended Sign Size - 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. MOTION** by Councilor Jones to move Zoning Bylaw Amendment 12-672, As Amended **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-No, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 8 – 1 – 0.**

Zoning Bylaw Amendment 12-671: Chapter 185-4, Districts Enumerated – Reconsidered: DISCUSSION: Mr. Cerel asked how failure to pass Zoning Bylaw 12-671 affects Bylaw Amendment 12-672. Ms. Dahlstrom said the bylaw does not work. Mr. Nutting stated they would have to sit down and make a few changes to Zoning Bylaw 12-671. ► Councilor Roy asked if Zoning Bylaw 12-671 can be brought forward to be voted on again. Mr. Cerel said the bylaw can be reconsidered if brought forward by one of the councilors who voted against the bylaw. ► Councilor Bissanti said his intention was not to “torpedo” the bylaw by voting against it. **Vote to Reconsider Bylaw 12-671 - ROLL CALL: Bissanti-Yes, Dellorco-No, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-No, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 7 – 2 – 0. MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 12-671 As Reconsidered **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-No, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 8 – 1 – 0.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting announced there was a need for Executive Session.

OLD BUSINESS: NONE.

NEW BUSINESS: ► Councilor Pfeffer inquired if the Council has the authority to discontinue the Fire Department's policy of having a fire truck team up with the department's ambulance when there is a medical emergency. Mr. Nutting said that the Council does not have the authority to change this policy. Mr. Cerel clarified that the Town Administrator has the authority to change the policy. ► Councilor Pfeffer requested the Facilities Department Manager attend a Council Meeting to provide an update on the condition of municipal owned property. Mr. Nutting said he would add the Facilities Department to the agenda. ► Councilor Powderly asked about the current water levels in the town's wells. Mr. Nutting said the wells are monitored daily, and if necessary the water ban can go into effect earlier than the customary June 1st date. ► Chairman Vallee inquired about the necessity to spend about \$25,000 per year on Legal Notifications placed in daily newspapers. Chairman Vallee asked if there was another way to publicize the Legal Notifications in order to save the Town money. Mr. Cerel said this is an issue that has been reviewed before, but the newspapers have considerable power and thus far the current laws regarding Legal Notifications have remained unchanged.

COUNCILOR COMMENTS: ► Councilor Roy congratulated Franklin High School's Mock Trial Team, Girls Basketball Team, Girls Hockey Team, Boy's Basketball Team and the Boys Hockey Team for their recent successes. Councilor Roy urged folks to vote on March 27th in favor of the New Franklin High School Project. ► Councilor Jones announced the Franklin Cultural Council is having a reception on April 1st from 2-4PM at the Historical Museum. Councilor Jones congratulated Dr. Paula Rooney, Dean College President for receiving the Aetna 2012 Award. ► Councilor Pfeffer noted several news publications, which listed Franklin as a desirable place to live. ► Councilor Vallee thanked Councilor Mercer for participating in the New Franklin High School Project. ► Councilor Mercer thanked the Town Council for supporting the Remote Access opportunity. Councilor Mercer urged Franklin citizens to vote for the New Franklin High School. ► Councilor Powderly spoke about FISH, which is a volunteer transportation service that takes people to medical appointments. FISH is in need of additional volunteers. If interested in volunteering, please call 528-2121. Councilor Powderly explained the wording on the ballot question can be confusing. The Town did not have a say on how the ballot question is worded. Councilor Powderly urged people to vote.

EXECUTIVE SESSION: Chairman Vallee said the Town Council would go into Executive Session to discuss Town Strategy with respect to collective bargaining, as an open meeting may have a detrimental effect on the bargaining position of the body. Open Session did not reconvene at the conclusion of the Executive Session. **MOTION** by Councilor Pfeffer to go into Executive Session to discuss strategy with respect to collective bargaining and not to resume Open Session **SECONDED** by Councilor Jones.

ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.

The Regular Session of the meeting ended at 8:37PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary