

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
June 6, 2012**

A meeting of the Town Council was held on Wednesday, June 6, 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 Cerel; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator.

**CALL TO ORDER:** Chairman Vallee called the meeting to order at 7:00PM with a moment of silence and asked for prayers for the Springfield police officer who was shot this past week. The Pledge of Allegiance was recited following the moment of silence.

**APPROVAL OF MINUTES:** *May 2, 2012 and May 16, 2012* – **MOTION** by Councilor Powderly to approve all minutes **SECONDED** by Councilor Mercer.

**ADDITIONS:** Councilor Roy requested the May 2, 2012 Minutes be amended to reflect Councilor Roy's request for National Grid Representative Robert Russell to provide the Council with a copy of the Infrastructure Analysis that National Grid had prepared.

**VOTE to Approve as Amended: Yes-9, No-0.**

**ANNOUNCEMENTS:** Chairman Vallee announced that Comcast, Verizon and Franklin Matters are recording the Town Council meeting. Chairman Vallee also announced Senators Spilka and Ross who were scheduled to attend the evening's meeting, had to postpone attending a Council meeting to a later date.

**PROCLAMATIONS/RECOGNITIONS:** Electric Youth, a group trained at the Franklin School of the Performing Arts performed a musical number by Green Day. Chairman Vallee thanked the group, and commended them on an outstanding performance. Chairman Vallee read a proclamation declaring the voice and dance group to serve as ambassadors of America's youth and actively demonstrate leadership qualities and commitment to positive values and development of life skills through the arts, education and community service. The proclamation congratulated Franklin School of Performing Arts and Electric Youth and wished them a successful 2012 European Tour.

**CITIZEN COMMENTS:** ► Citizen and Franklin TV representative Ken Norman apologized to viewers who were not able to view Franklin High School's Graduation broadcast. Mr. Norman explained the TV station ran into technical difficulties, which prevented the live broadcast of the graduation. Mr. Norman announced the graduation ceremony will be re-broadcast on Comcast and Verizon, and CDs of the broadcast can also be ordered through the downtown office. Mr. Norman discussed the technical issues and what is being done to prevent future technical problems. Mr. Norman stated the TV station will prepare a formal presentation in the fall, but announced changes to the website.

**APPOINTMENTS: *Franklin Disability Commission* – MOTION** by Councilor Pfeffer to appoint Deborah Bean of 78 Hillside Road as member of the Commission **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0.**

***Joint Appointment of Planning Board Member – Joint Appointment by Town Council and the remaining Planning Board members:*** Each of the four candidates spoke on their qualifications for the position. Chairman Vallee reviewed the process for appointment. The Council appointed Greg Rondo of 2 Ashley Circle. **VOTE to appoint: Yes-6, No-3**

***Board of Assessors – Member:*** John Neas presented his relevant experience in the field of assessing. **MOTION** by Assessor Norman to nominate Mr. Neas as member **SECONDED** by Councilor Bissanti. **DISCUSSION:** Councilor Powderly questioned how common it is to have an Assessor serve in two towns. Mr. Neas assured Councilor Powderly that it is fairly common. Assessor Ken Norman clarified Mr. Neas will not be assessing homes in town, but serve as a member of the board which is not a salaried position. **VOTE to Approve: Yes-9, No-0.**

**HEARINGS: NONE.**

**LICENSE TRANSACTIONS: NONE**

**PRESENTATIONS/DISCUSSIONS:** Senator Ross and Senator Spilka were scheduled to attend the evening's Council Meeting, but have rescheduled to attend the June 20<sup>th</sup> Council Meeting instead.

**SUBCOMMITTEE REPORTS: NONE.**

**LEGISLATION FOR ACTION:**

***Resolution 12-25: Order of Layout, Acceptance, and taking of Beaver Court, Mark's Way and J.R. Lane and Order of Taking (Extinguishment) of Related Right-of-Way Over Abutting Town-Owned Land* – MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0.** **MOTION** by Councilor Jones to approve Resolution 12-25 **SECONDED** by Councilor Kelly. **DISCUSSION:** Town Administrator Jeff Nutting explained the "acceptance" of these roads and clearing the easements are necessary to proceed with the plan to construct 2 affordable modulars on Town owned land. The modulars will be sold to qualified applicants. Councilor Pfeffer spoke in favor of the plan citing the construction of these two units would allow the Town to achieve the 10% affordable housing level. **VOTE to Approve: Yes-9, No-0.**

***Resolution 12-41: Appropriation:***

***Roads/Sidewalks/Drainage/Stormwater/Infrastructure* – Councilor Pfeffer** read the resolution to appropriate \$750,000 to provide funding for roads, sidewalks, drainage, stormwater and infrastructure and all costs incidental. Funding for the resolution would be as follows: \$350,000 from Free Cash; \$378,493.78 from Snow & Ice Surplus; \$9,128.22 from King St/Rt 140 account; \$7,100 from Spring Street Culvert account;

\$5,278 from Partridge Culvert account. **MOTION** by Councilor Pfeffer to move Resolution 12-41 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained this, and the next few resolutions are Phase 2 of the Capital Plan. The unusual winter has allowed the Town to save approximately \$600,000. The Town has the opportunity to use funds ordinarily spent on snow and ice removal to be used toward the huge backlog of road issues. Councilor Powderly requested clarification on funding. Mr. Nutting said the funding comes from the FY12 Budget, but the projects will not begin until FY13. **VOTE to Approve: Yes-9, No-0.**

**Resolution 12-42: Authorization for DPW Garage/Storage Building** – Councilor Pfeffer read the resolution to authorize funds in the amount of \$630,000 to pay the costs of designing and constructing a new garage/storage building for the use of the Department of Public Works. Funding will be as follows: \$185,200.23 from funds remaining in the fiscal year 2012 snow and ice appropriation; \$200,000 from water retained earnings; \$200,000 from sewer retained earnings; and \$44,799.77 from funds previously borrowed for the following projects: Sewer System Improvements - \$28,422.26; Populatic Street Sewer Project - \$1,464.02; Senior Center Project - \$14,913.49. **MOTION** by Councilor Powderly to move Resolution 12-42 **SECONDED** by Councilor Mercer.

**DISCUSSION:** Mr. Nutting stated the current Department of Public Works (DPW) building is quite old and has both environmental and structural issues. The money to demolish the current DPW has already been appropriated. Several councilors had questions concerning this project. Mr. Nutting clarified the following: The cheapest of three designs was chosen. The structure will be wood, and is expected to have a life of at least 50 years. The structure will allow DPW equipment currently stored at Franklin High School to be stored on-site. The new structure will not have heat, but heat can be added as money allows in the future. The structure will be constructed on Fisher Street, near the DPW Office, where the snowplows are currently parked. A  $\frac{3}{4}$  vote was needed to pass this resolution. **VOTE to Approve: Yes-9, No-0.**

**Resolution 12-43: Authorization to Transfer Funds – Davis Thayer Study** – Councilor Pfeffer read the resolution to appropriate \$25,144 to pay for an engineering/architect study to determine the costs associated with improvements/renovations to the Davis Thayer School. The funding for the study will be as follows: \$1,144 from the Davis Thayer School Remodel account; \$24,000 from Free Cash. **MOTION** by Councilor Powderly to move Resolution 12-43 **SECONDED** by Councilor Mercer.

**DISCUSSION:** Mr. Nutting explained the necessity to conduct the survey. Davis Thayer is not in compliance with Americans with Disabilities Act (ADA). Approval of this resolution will allow the Town to hire a team to determine a cost estimate of a school upgrade. Councilors Jones and Roy discussed other options to house Davis Thayer students. Councilor Roy cited his work on the School Committee and the exhaustive study of how Davis Thayer students could be “absorbed” by the other Franklin elementary schools. Given enrollment and losing the temporary modulars, the other schools would not be able to meet the needs of the Davis Thayer students. A  $\frac{2}{3}$  vote was required to pass this resolution. **VOTE to Approve: Yes-9, No-0.**

**Resolution 12-44: Authorization to Transfer Funds – Dam Repairs** – Councilor Pfeffer read the resolution to appropriate \$1,421,729.81 to pay costs of embankment, spillway

and water diversion repairs to DelCarte Dam No. 3 and DelCarte Dam No. 4. Funding for the project will be as follows: \$821,729.81 from Sale of Real Estate – Four Corners Property; \$200,000 from Free Cash; \$400,000 shall be raised and appropriated from FY13 Hotel Tax. **MOTION** by Councilor Powderly to move Resolution 12-44 **SECONDED** by Councilor Mercer. **DISCUSSION:** Chairman Vallee asked what the plan is for the project as a similar resolution was voted down last year. Mr. Nutting provided an overview of the project, which includes repairs to two dams located on the property, installation of a playground, picnic area, parking, walking trails and eventually a canoe launch. Mr. Nutting cautioned the Council that Dam 3, which is a registered dam, is failing. The Town is required to maintain this dam. Dam 4 is also in need of repairs, but is not registered. Repairing both dams will ensure the dams do not collapse and flood the area. Several councilors spoke in support of the resolution siting the opportunity to give access to the town of a valued asset. According to Mr. Nutting, if the resolution passes, the Town will apply in July for a \$300,000 grant to pay for the playground and the project would go to contract in the fall. **VOTE to Approve: Yes-9, No-0.**

***Resolution 12-45: Establishment of a Senior Center Capital Improvement Stabilization Fund*** – Councilor Pfeffer reads the resolution to establish a Senior Center Capital Improvement Stabilization Fund for the purpose of making improvements to the Town of Franklin Senior Center. **MOTION** by Councilor Powderly to move Resolution 12-45 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting explained the next couple of resolutions are meant to create stabilization accounts, and then fund those accounts for future projects. The idea is to plan for big projects and put money aside in preparation for large expenses. Resolution 12-45 is meant to expand usable space at the Senior Center by finishing the second floor of the facility. The Town anticipates an increase from 4400 to 7500 senior citizens within the next 4-5 years. Several councilors spoke in support of the Senior Center expansion project. Councilor Pfeffer offered information regarding making direct donations for the Senior Center Expansion by contacting Friends of Franklin Elders located at the Senior Center. Contact Mary Ginivan at (508) 520-4945 for information regarding donations. Donations cannot be made directly to the Stabilization Fund, but can be made in any amount as a gift and only used for the designated purpose. Chairman Vallee requested the project move ahead ASAP. Mr. Nutting indicated he will be presenting capital improvement projects at a future Council meeting so that the Council can determine a priority list. Councilor Roy applauded this type of planning ahead so large expenses are anticipated and planned for. **VOTE to Approve: Yes-9, No-0.**

***Resolution 12-46: Senior Center Capital Improvement Stabilization Fund*** – Councilor Pfeffer read the resolution to transfer funds in the amount of \$15,000 from Free Cash to the Senior Center Capital Improvement Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 12-46 **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9, No-0.**

***Resolution 12-47: Establishment of an Athletic Fields Capital Improvement Stabilization Fund*** – Councilor Pfeffer read the resolution to establish an Athletic Fields Capital Improvement Stabilization Fund to be used for the purpose of making

improvements to the Town of Franklin athletic fields. **MOTION** by Councilor Powderly to move Resolution 12-47 **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0.**

**Resolution 12-48: Appropriation: Athletic Fields Capital Improvement Stabilization Fund** – Councilor Pfeffer read the resolution to transfer funds in the amount of \$150,000 from Free Cash to the Athletic Fields Capital Improvement Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 12-48 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained the Town’s turf fields were installed in 2004 and have an estimated “life” of 13 years. The Town is anticipating expenses related to the repair/replacement of these turf fields. **VOTE to Approve: Yes-9, No-0.**

**Resolution 12-49: Establishment of a Fire Truck Stabilization Fund** – Councilor Pfeffer read the resolution to establish a Fire Truck Stabilization Fund for the purpose of purchasing a fire truck. **MOTION** by Councilor Powderly to move Resolution 12-49 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said the Town purchases a new fire truck every 5 years at a cost of half a million dollars. The philosophy here is to start putting money aside for the truck. **VOTE to Approve: Yes-9, No-0.**

**Resolution 12-50: Appropriation Fire Truck Stabilization Fund** – Councilor Pfeffer read the resolution to transfer funds in the amount of \$75,000 from Fee Cash to the Fire Truck Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 12-50 **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9, No-0.**

**Bylaw Amendment 12-683: Amendment to Chapter 170, Vehicles and Traffic-Parking – 2<sup>nd</sup> Reading** – Councilor Pfeffer read the bylaw to amend the Code of the Town of Franklin, Chapter 170, Section 19B to add in the correct alphabetical sequence of Emmons Street 150 Emmons Street. **MOTION** by Councilor Powderly to move Bylaw Amendment 12-683 **SECONDED** by Councilor Kelly. **DISCUSSION:** According to Mr. Nutting, additional parking has been requested by the Post Office, as additional Post Office personnel will be moving to the Main Street Post Office. The parking spaces are new, and Post Office workers will be able to purchase permits from the Town. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: Yes-9, No-0.**

**Bylaw Amendment 12-684: Amendment to Chapter 82, Appendix A, List of Service Fee Rates – 2<sup>nd</sup> Reading** – Councilor Pfeffer read the bylaw amendment to make adjustments to the code of the Town of Franklin to add and delete sections as indicated. **MOTION** by Councilor Powderly to move Bylaw Amendment 12-684 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting requested the merchant parking fee be increased from \$240 per year to \$360 per year. This is the first increase in merchant parking fees in about 9 years and is necessary to cover the costs of maintaining the parking spaces. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: Yes-9, No-0.**

***Zoning Bylaw Amendment 12-685: Amendment to Chapter 185, Section 24 – Floodplain District*** – **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 Zoning Bylaw 12-685 to the Planning Board **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said the changes are resultant from the changes the Federal Emergency Management Agency (FEMA) has made in the last few years and the Town is required to adopt the changes. The changes involve a few lines on a few maps. **VOTE to Approve: Yes-9, No-0.**

***Zoning Bylaw Amendment 12-687: Amendment to Chapter 25, Personnel Regulations, Appendix A – Classification Plan and Appendix B – Pay Schedules – 1<sup>st</sup> Reading*** – Councilor Pfeffer read the bylaw to amend the Compensation Plan Pay Schedules, Schedule N – Nonunion Employees. **MOTION** by Councilor Jones to move Bylaw Amendment 12-687 to a second reading **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained the pay scale has not been adjusted since 2008 and the scale has fallen woefully behind. Mr. Nutting requested an adjustment to the pay scale of 3 ½% in order to maintain competitive wages. Mr. Nutting clarified the pay scale change does not affect existing employees. Councilor Powderly requested the bylaw amendment be corrected to replace “July 2008” to “July 1, 2012”. **VOTE to Approve: Yes-9, No-0.**

**TOWN ADMINISTRATOR’S REPORT:** ► Mr. Nutting announced several upcoming events: The Strawberry Stroll in downtown Franklin on June 3<sup>rd</sup>, 4<sup>th</sup> of July Celebration and Concerts on the Common every other Wednesday. ► Mr. Nutting announced there will be a presentation at the next Town Council Meeting to review goals of the Town Council as well as look at some of the issues that Mr. Nutting sees moving forward. ► Mr. Nutting is looking into the leaky roof situation at the Remington Jefferson School and should have a status report in July.

**OLD BUSINESS:** ► Councilor Roy requested Mr. Nutting put pressure on National Grid to produce the Infrastructure Study that the Town was led to believe was readily available. ► Councilor Powderly requested an annual report on the stabilization accounts to determine if the accounts continue to fit into the Town’s plans. Councilor Powderly requested a Cable Commission update. Mr. Nutting said the Commission has been funded with \$400,000. The next step is for the Commission to produce a full business plan before receiving additional funding.

**NEW BUSINESS:** ► Councilor Bissanti thanked Councilors Kelly, Pfeffer & Dellorco for all of the work they did for the Memorial Day Parade. Councilor Bissanti also shared how much participating in the parade meant to his father who was Marshall this year. ► Chairman Vallee asked for ideas regarding improving the Town Common’s Christmas decorations. Some suggestions included spending more on lights, but keeping the lights on year-round, requesting donations from area businesses and forming a Holiday Common Committee. Mr. Nutting said the first step should be to work with the DPW about what can be done before any fundraising begins.

**COUNCILOR COMMENTS:** ► Councilors Roy and Jones thanked Councilors

Pfeffer, Kelly & Dellorco for their work on the Memorial Day Parade and found the service meaningful and helps us not to forget. ► Councilor Pfeffer said the Memorial Day Parade is the best parade with all of the people lining the streets. ► Councilor Dellorco also appreciated the Memorial Day Parade. ► Councilor Kelly thanked Electric Youth for their performance. ► Councilor Powderly said it was worth repeating how wonderful the Memorial Day Parade was for both spectators and participants. Councilor Powderly thanked Jim Roche and Mr. Nutting's staff for their efforts. ► Chairman Vallee reminded everyone about the Strawberry Stroll.

**ADJOURN: MOTION** by Councilor Jones to adjourn **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0.** Meeting adjourned at 8:20PM.

Respectfully Submitted,

Jan Brecht – Recording Secretary