

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
July 18, 2012**

A meeting of the Town Council was held on Wednesday, July 18, 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, Jeff Roy, Robert Vallee. Tina Powderly was absent. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator and Mark Cerel; Town Attorney. Maxine Kinhart; Assistant to the Town Administrator was absent. Other officials present: Police Chief Stephan Semerjian, Lieutenant Thomas Lynch, Fire Chief Gary McCarraher.

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: *June 6 and June 20, 2012 Regular Session – MOTION* by Councilor Jones to approve all minutes **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.**

ANNOUNCEMENTS: Chairman Vallee announced that Comcast, Verizon and Franklin Matters are recording the Town Council meeting. Chairman Vallee also announced the Town's Constable Position is vacant. Any Town resident may apply for the position by contacting Deborah L. Pellegri; Town Clerk.

PROCLAMATIONS/RECOGNITIONS: Chairman Vallee read a proclamation honoring and commending the Franklin Lodge of Elks for unfailing spirit of charity and devotion to service.

CITIZEN COMMENTS: NONE.

LICENSE TRANSACTIONS: *DeVita's Market – New All Alcohol Beverages Liquor License:* **MOTION** by Councilor Pfeffer to approve the request for a new all Alcoholic beverages license for DeVita's Market located at 198 East Central Street and to be managed by Michael J.S. Donovan **SECONDED** by Councilor Dellorco. **DISCUSSION:** Mr. Donovan reviewed his family's accomplishments, the many groups DeVita's Market has sponsored over the years and his plan to not become a "package store", but to add to the existing items available at his variety store. Councilor Roy inquired about alcohol server training to which Mr. Donovan stated all employees who work the cash register are trained in TIPS (Training for Intervention Procedures). Councilor Pfeffer asked about handicap accessibility of the store. Mr. Donovan stated the store is handicap accessible. **VOTE to Approve: Yes-8, No-0, Absent - 1.**

HEARINGS: *Alcoholic Beverage License – Failure to Pass Compliance Check – 7:10PM:* Franklin Police Chief Stephan Semerjian addressed the Council concerning the program in place to check underage drinking in the Town's restaurants, bars and convenience stores. On Friday June 15, 2012 a Compliance Check was conducted and

four establishments failed the Compliance Check.

Guru Restaurant – Chief Semerjian was joined by Lieutenant Thomas Lynch who described how on Friday June 15, 2012 an underage individual ordered an alcoholic beverage at the Guru Restaurant located at 30 Main Street and was served the beverage after providing identification, which indicated the individual was under 21 years of age. Police Chief Semerjian recommended, as this is the restaurant's first offense, a 3-day liquor license suspension, one day to serve, 2 days held in abeyance for 2 years. The Guru Restaurant's owner; Jagtar Sing Gill agreed to these terms. Councilor Pfeffer expressed concern the restaurant's liquor license was only recently granted and there were already problems. Councilor Jones asked why alcohol was provided to the minor. Mr. Gill said the bartender claimed she did not have her prescription eyeglasses with her, so she was unable to accurately read the driver's license. Councilor Roy inquired about when the restaurant would have its employees TIPS certified. Mr. Gill said the TIPS training would be completed within a week or so. **MOTION** by Councilor Jones to close the public hearing **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent - 1.** **MOTION** by Councilor Jones to accept a one-day suspension to be held on Friday July 20, 2012 with two days held in abeyance **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent - 1.**

Alumni Restaurant – Lieutenant Lynch described how two female operatives ordered alcoholic beverages, both operatives were asked for identification, one operative produced identification indicating that she was under 21 years of age and was served alcohol by the bartender. Mark Richard; owner of the Alumni Restaurant located at 391 East Central Street agreed with Lieutenant Lynch's description of events. Councilor Roy asked for clarification on the appearance of the Massachusetts Drivers' License for drivers under the age of 21. Lieutenant Lynch stated the license appearance is different for individuals under 21 years of age, and the license specifically states "under 21 until this date". Councilor Roy also asked about TIPS certification of employees, Mr. Richard stated his employees are all TIPS certified and the last TIPS class was held in January 2012. Councilor Roy inquired how the underage operative was served when an underage license was produced. Mr. Richard responded that the restaurant was busy and the bartender did not concentrate on what the license said. **MOTION** by Councilor Jones to close the public hearing **SECONDED** by Councilor Pfeffer. **VOTE to Approve: Yes-8, No-0, Absent - 1.** **MOTION** by Councilor Pfeffer to accept a one-day suspension to be held on Friday July 20, 2012 with two days held in abeyance **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent - 1.**

Ichigo Ichie Restaurant - Lieutenant Lynch described how the underage operative went in to Ichigo Ichie Restaurant located at 837 West Central Street, was asked for and produced identification that indicated the operative was under 21 years of age, but was still served an alcoholic beverage. The bartender who served alcohol to the underage operative addressed the Council and explained that she did not look at the operative's driver's license long enough and was more focused on the photo on the driver's license than the age listed. The bartender also expressed responsibility for the error. The owner of the restaurant, Mei-ing Huang apologized for the error. Councilor Jones asked how the error could be made when the driver's license for drivers under 21 years of age looks different than a driver's license for drivers over 21 years of age. **MOTION** by Councilor Mercer to close the public hearing **SECONDED** by Councilor Kelly. **VOTE to**

Approve: Yes-8, No-0, Absent - 1. MOTION by Councilor Jones to accept a one-day suspension to be held on Friday July 20, 2012 with two days held in abeyance **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent - 1.**

Franklin Mobil – 2nd Offense: Police Chief Semerjian indicated this was Franklin Mobil located at 660 West Central Street, 2nd offense in 3 years. Lieutenant Lynch described an operative went in to Franklin Mobil, was asked for identification, the operative produced a drivers license indicating he was under 21 years of age and was still allowed to buy a 12-pack of Busch Lite Beer. George Julakis; owner of Franklin Mobil apologized for the error and explained the cashier confused the two dates, 1991 and 1994 as they are posted at the cash register to remind cashiers customers must be born in 1991 or earlier to purchase alcohol and must be born 1994 or earlier to purchase tobacco. Police Chief Semerjian recommended a 5-day suspension, 3 days to be served consecutively, 2 days in abeyance for 2 years. Police Chief Semerjian recommended the 3 days be served on a Thursday, Friday and Saturday. Mark Cerel; Town Attorney clarified the owner does not dispute alcohol was sold to a minor. Mr. Julakis stated he has purchased a scanner to check the identification of customers wanting to purchase alcohol and agrees with the penalty recommended by Police Chief Semerjian. **MOTION** by Councilor Mercer to close the public hearing **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent - 1. MOTION** by Councilor Jones to accept a 3-day suspension to be held on Thursday July 19, 2012 through Saturday July 21, 2012 with 2 days held in abeyance for 2 years **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent - 1. MOTION** by Councilor Roy to amend the penalty to include all Franklin Mobil employees who sell alcohol undergo TIPS training **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Julakis agrees to the training stipulation. **VOTE to Approve the Amendment: Yes-8, No-0, Absent-1. VOTE to Approve the Penalty as Amended: Yes-8, No-0, Absent-1.**

PRESENTATIONS/DISCUSSIONS: Senators Karen Spilka and Richard Ross: 2013 Budget Update – Senators Spilka and Ross attended the Council Meeting and provided an overview of the FY2013 budget as it relates to Franklin. Senator Spilka announced increased funding for Chapter 70, Unrestricted Local Aid, Special Education, McKinney-Vento Reimbursement, Council on Aging, GATRA and Veteran’s Benefits. Senator Spilka went on to say the Commonwealth has lowered the personal tax rate, lowered the corporate tax rate and the Commonwealth’s bond rating has increased. Senators Spilka and Ross were not sure when the effective date of pending legislation designed to clarify tax issues for Solar Farms. Chairman Vallee and Mr. Nutting explained the Town is in negotiation with a solar farm company and are fearful the Town could lose out on much needed revenue depending on when the new legislation is passed. Mr. Nutting requested the senators support the Regional Dispatch Center which Plainville, Wrentham & Franklin will be partnering as well as to support the Town in its dealings with the power company National Grid. Chairman Vallee and Councilor Jones described the power company’s poor response to last year’s power outages, its lackluster Spring presentation and continuing issues with power lines running through Franklin. Chairman Vallee thanked the senators for attending the Council Meeting.

2-MINUTE RECESS requested by Chairman Vallee at 8:16PM.

PRESENTATIONS/DISCUSSIONS: *Emergency Management – Gary McCarraher* - Fire Chief McCarraher presented a brief presentation on the Town's Emergency Preparedness. Chief McCarraher explained his department's role to warn of impending danger and to keep residents informed about the situation, as well as to assess local needs and coordinate support from the Commonwealth and the Federal Governments. Chief McCarraher urged residents to have 5 days worth of supplies on hand in case of an emergency. Residents should also sign up for the CTY Emergency Notification System by accessing the Town's website. The CTY Emergency Notification System can take up to 10 telephone numbers and will provide residents with information regarding an emergency.

SUBCOMMITTEE REPORTS: NONE.

APPOINTMENTS: NONE.

LEGISLATION FOR ACTION:

Resolution 12-62: Authorization to Hold Bonfire - Councilor Pfeffer read the resolution to issue a permit for a bonfire to be held at The Tri-County Regional High School on September 7, 2012 to celebrate the upcoming school year. **MOTION** by Councilor Jones to move Resolution 12-62 **SECONDED** by Councilor Mercer. **DISCUSSION:** Chief McCarraher recommended the authorization be granted. **Vote to Approve: Yes-8, No-0, Absent-1.**

Resolution 12-56: Ratification of Franklin Police Association Contract - Councilor Pfeffer read the resolution to ratify the provisions of the Franklin Police Association Memorandums of Agreement dated July 2, 2012. **MOTION** by Councilor Jones to move Resolution 12-56 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting explained this resolution and the next 3 resolutions represent the conclusion of the collective bargaining process for these 4 units. The terms of the agreements are the same as previous contracts: \$600 one-time lump sum payment; a 1.5%, 2.0% and 2.5% salary increase beginning 2012 through 2014. In addition, different wage and benefit packages will be offered to new employees in an effort to save money. **Vote to Approve: Yes-8, No-0, Absent-1.**

Resolution 12-57: Ratification of Franklin Police Sergeants Association Contract – Councilor Pfeffer read the resolution to ratify the provisions of the Franklin Police Sergeants Association Memorandums of Agreement dated June 18, 2012. **MOTION** by Councilor Jones to move Resolution 12-57 **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-8, No-0, Absent-1.**

Resolution 12-58: Ratification of Franklin Public Library Staff Association Contract – Councilor Pfeffer read the resolution to ratify the provisions of the Franklin Public Library Staff Association Memorandums of Agreement dated June 14, 2012. **MOTION** by Councilor Jones to move Resolution 12-58 **SECONDED** by Councilor Kelly. **Vote to Approve: Yes-8, No-0, Absent-1.**

Resolution 12-59: Ratification of AFSCME Local 1298 – Public Works Employees –

Councilor Pfeffer read the resolution to ratify the provisions of the American Federation of State, County and Municipal Employees Local 1298, Public Works Employees, Memorandums of Agreement dated July 20, 2012. **MOTION** by Councilor Jones to move Resolution 12-59 **SECONDED** by Councilor Kelly. **Vote to Approve: Yes-8, No-0, Absent-1.**

Resolution 12-60: Exemption of All Positions in The Police Department from The Civil Service Law – Councilor Pfeffer read the resolution to exempt future hires from the provisions of G.L. Chapter 31, the civil service law. **MOTION** by Councilor Kelly to move Resolution 12-60 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the sergeants and patrolman agree to eliminate the civil service laws and replace these outdated laws with a comprehensive hiring and promotion policy for future employees. **Vote to Approve: Yes-8, No-0, Absent-1.**

Resolution 12-61: Declaration of Town-Owned Land (Two Unimproved Lots Off Beaver Court) as Surplus and Available for Disposition and Authorization to Convey Same for Nominal consideration to The Franklin Municipal Affordable Housing Trust Fund – **MOTION** by Councilor Kelly to waive the reading **SECONDED** by Councilor Jones. **Vote to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Jones to move Resolution 12-61 **SECONDED** by Councilor Pfeffer. **DISCUSSION:** Mr. Nutting requested the small parcel of land located at the end of Beaver Court be transferred to the Franklin Municipal Affordable Housing Trust so that two affordable housing units can be constructed. The Town has owned the land for about 50 years and its original purpose was to be an entrance to the high school. Mr. Nutting and Councilor Pfeffer both spoke in support of this plan as the property will be for sold to first-time homebuyers and the location is walking distance to schools, trains and shopping areas. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones- Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Absent, Roy-Yes, Vallee-Yes. VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw 12-685: Amendment to Chapter 185 Section 24. Flood Plain Districts – 2nd Reading: **MOTION** by Councilor Jones to waive the reading **SECONDED** by Councilor Pfeffer. **Vote to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Jones to adopt Zoning Bylaw Amendment 12-685 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained this amendment updates the flood plain map by FEMA. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones- Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Absent, Roy-Yes, Vallee-Yes. VOTE to Approve: Yes-8, No-0, Absent-1.**

Bylaw 12-687: Amendment to Chapter 25, Personnel Regulations, Appendix A – Classification Plan and Appendix B – Pay Schedules – 2nd Reading: Councilor Pfeffer read the bylaw to amend personnel regulations. **MOTION** by Councilor Jones to adopt Bylaw Amendment 12-687 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained this bylaw increases the ranges of employee's pay scale by 3 ½%. Mr. Nutting emphasized that this was not a pay raise, but rather an increase in the pay scale necessary to keep the town's salaries competitive. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones- Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Absent,**

Roy-Yes, Vallee-Yes. VOTE to Approve: Yes-8, No-0, And Absent-1.

Bylaw 12-688: Amendment of Service Fee Rates – Board of Health, Department of Public Works, Recreation & Council on Aging – 2nd Reading: Councilor Pfeffer read the bylaw to amend the List of Service Fee Rates. **MOTION** by Councilor Jones to adopt Bylaw Amendment 12-688 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting reviewed the list of changes proposed by the amendment. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones- Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Absent, Roy-Yes, Vallee-Yes. VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw 12-689: Amendment to Chapter 185 Section 5, Zoning Map, RE: Change from Single Family III to Business – Councilor Pfeffer read the bylaw to amend 6 parcels of land. **MOTION** by Councilor Jones to refer Zoning Bylaw 12-689 to the Planning Board **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting explained the benefits of changing 6 parcels of land currently zoned as residential to business. Councilor Bissanti stressed the choice to change the parcels to business rather than commercial gives the Town more control over parking lot setbacks. Councilor Jones, who is also Chairman of the Economic Development Committee said the location of the 6 parcels of land were better suited for businesses than residential property as the land is located near industrial businesses and Interstate 495. Councilor Jones and Mr. Nutting both said increasing business property would increase employment opportunities and increase the tax base. Councilor Dellorco recused himself from the discussion as this abuts his Aunt's property. **Vote to Approve: Yes-7, No-0, Absent-1, Abstain-1.**

TOWN ADMINISTRATOR'S REPORT: Mr. Nutting was saddened to note the passing of Mr. Smith and Mr. Jarvis members of the public and Nick Alfieri who was one of our own and an integral part of the Administrator's team. Mr. Nutting requested an Executive Session for the purpose of Collective Bargaining at the conclusion of the Council meeting.

OLD BUSINESS: ► Councilor Roy expressed how disappointed he is about the National Grid report and their failure to identify an action plan to address future power failures. Councilor Roy requested National Grid be invited back to a future Council Meeting to address why the power company has not provided the Town with a concrete plan to reduce the chances of continued power outages in Franklin. ► Councilor Jones agreed with Councilor Roy's sentiments, as did Councilor Dellorco, with Councilor Dellorco suggesting Senators Ross and Spilka also be included in the meeting with National Grid. ► Chairman Vallee expressed little faith in National Grid. ► Councilor Pfeffer asked Mr. Nutting about the Facilities Director's Report, which Mr. Nutting said was sent electronically to Councilor Pfeffer the previous week.

NEW BUSINESS: ► Councilor Bissanti inquired about the possibility of obtaining property adjacent to the Fletcher Field parking lot in order to increase the size of the crowded parking situation on Wachuset Street. Mr. Nutting said he would need more information, but said the Town would have to decide how much money it was will to pay for a few extra parking spaces.

COUNCILOR COMMENTS: ► Councilor Mercer provided an update to the Franklin High School Project. The project is running on schedule with a contract should be awarded by the end of September. ► Councilor Kelly thanked the 4th of July Committee and expressed sympathy for the Alfieri, Jarvis and Smith families. ► Councilors Pfeffer and Bissanti shared some memories of Mr. Jarvis and Mr. Alfieri. ► Councilor Roy said Mr. Alfieri was a wonderful addition to the Master Plan Committee and some of the language Mr. Alfieri crafted will be included in the final plan.

EXECUTIVE SESSION: Chairman Vallee requested Executive Session for the purpose of discussing collective bargaining and not to reconvene Open Session. He declared that an open meeting may have a detrimental effect on the bargaining position of the public body with respect to collective bargaining. The open session will not reconvene at the conclusion of the executive session. **MOTION** by Councilor Pfeffer to go into Executive Session for the purpose to discuss strategy with respect to collective bargaining, if an open meeting may have a detrimental effect on the bargaining position of the public body and the Chair so declares, and that the open session, not reconvene at the conclusion of the executive session. **SECONDED** by Councilor Jones. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones- Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Absent, Roy-Yes, Vallee-Yes. VOTE to Approve: Yes-8, No-0, Absent-1.**

Chairman Vallee called for a 5-minute recess at 9:13PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary