

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
August 8, 2012**

A meeting of the Town Council was held on Wednesday, August 8, 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. Other officials present: Jim Dacey; Treasurer/Collector.

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: *March 7, 2012 Regular Session*
MOTION by Councilor Pfeffer to approve the minutes
SECONDED by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

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

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: ► Mr. Alfio Taddeo of 137 Wachusett Street commented on the Board of Health's recent determination to no longer allow Mr. Taddeo to keep roosters. Mr. Taddeo contended he should be allowed to have roosters as the property has been continuously in his family since 1922 and was "grandfathered" to allow small farm animals when the Town banned roosters in 1958. A second comment made by Mr. Taddeo was his disappointment of being denied an Agricultural Burning Permit by Fire Chief McCarraher because Mr. Taddeo lacked the

required 5 acres of land. Chairman Vallee explained the councilors are not allowed to ask or answer questions during this portion of the Council Meeting, but if one of the councilors brings Mr. Taddeo's comments up at the end of the meeting, Mr. Taddeo will have an opportunity to discuss these issues.

► Treasurer/Collector Jim Dacey provided an update on the Town's Standard and Poor's bond rating, which was affirmed as having an AA Rating. Mr. Dacey was pleased to announce the cost of interest on bonds sold to finance the New Franklin High School and Water Projects were less than anticipated causing the cost to the tax payer to be between \$30-\$40 less than was projected.

APPOINTMENTS: *Doug Newton – Design Review*

Commission: MOTION by Councilor Pfeffer to ratify the appointment of Doug Newton of 3 Stephen Way to the Design Review Commission **SECONDED** by Councilor Powderly.

VOTE to Approve: Yes-9, No-0.

***Sean P. Slater – Zoning Board of Appeals:* MOTION** by Councilor Pfeffer to ratify the appointment of Sean P. Slater of 88 Hill Avenue to the Zoning Board of Appeals **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Slater addressed councilors regarding his background. **VOTE to Approve: Yes-9, No-0.**

HEARINGS: NONE LICENSE TRANSACTIONS: NONE

PRESENTATIONS/DISCUSSIONS: *Citizens Committee –*

Committee members presented an update on its activity. The Committee reported it has been working with the MBTA (Massachusetts Bay Transportation Authority) to improve the downtown train station. The Committee is also concentrating on the Central Business District, which it is hopeful it will be able to create a nicer looking downtown area. The downtown area is viewed as essential to attracting businesses, developers and

homebuyers. Discussions centered on the town-owned Pond Street Property, re-zoning issues, unkempt property laws and the advantages of C1 mixed use commercial zoning.

SUBCOMMITTEE REPORTS: *Senior Outreach Committee* – Councilor Powderly announced the next meeting will be September 19th at 6PM.

Economic Development Committee – Councilor Jones announced the next meeting will be September 5th at 6PM.

LEGISLATION FOR ACTION:

Resolution 12-42: Authorization for DPW Garage/Storage Building (Amended): Councilor Pfeffer read the resolution to appropriate \$630,000 to pay costs of designing and constructing a new garage/storage building for the use of the Department of Public Works. Funding is as follows: \$185,200.23 from surplus funds remaining in 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 which no further financial liability remains. **MOTION** by Councilor Powderly to move Resolution 12-42 as Amended **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting explained this is a technical correction, which will now indicate the origins of \$28,422.26 as a part of the \$44,799.77 previously borrowed funds. **VOTE to Approve: Unanimous.**

Resolution 12-63: Town Administrator's Employment Agreement: Councilor Pfeffer read the resolution to transfer the annual car allowance to bi-weekly salary the first pay period in August, 2012; increase salary by 1.5% the first pay period in August, 2012; and increase salary by 2% on June 30, 2013. **MOTION** by Councilor Powderly to move Resolution 12-63 **SECONDED** by Councilor Mercer. **DISCUSSION:** Councilor Powderly explained she did not have enough information to make an informed decision, so she therefore would be abstaining from

the vote. **VOTE to Approve: Yes-8, No-0, Absent-0, Abstain-1.**

Bylaw Amendment 12-686: Amendment to Chapter 165, Transient Vendors – 1st Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Unanimous.** **MOTION** by Councilor Powderly to move Bylaw 12-686 to a 2nd Reading **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the Town is going through all the bylaws to update those bylaws that are outdated. Mr. Cerel stated the amendment to this bylaw is an attempt to clarify sanctions and enforcement. Councilors Pfeffer and Dellorco asked for clarification on specific situations, both of which did not fall under the jurisdiction of this bylaw. **VOTE to Approve: Unanimous.**

Bylaw Amendment 12-690: Amendment to Chapter 8, Council on Aging – 1st Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Unanimous.** **MOTION** by Councilor Powderly to move Bylaw Amendment 12-690 to a 2nd Reading **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained this is just an update of an existing bylaw. **VOTE to Approve: Unanimous.**

Bylaw Amendment 12-691: Amendment to Chapter 75, Dogs – 1st Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Unanimous.** **MOTION** by Councilor Powderly to move Bylaw Amendment 12-691 to a 2nd Reading **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Cerel explained the amendment updates a statute originating from the 1880s. Councilor Pfeffer questioned the fine for a loose dog. **VOTE to Approve: Unanimous.**

Bylaw Amendment 12-692: Amendment to Water System Map – 1st Reading: **MOTION** by Councilor Powderly to waive the

reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Unanimous.** **MOTION** by Councilor Powderly to move Bylaw Amendment 12-692 to a 2nd Reading **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting expressed concern as the development was originally a 55+ subdivision and has now been changed to a “regular” subdivision, which will have a greater economic impact on Franklin. Several councilors expressed concern regarding the number of potential housing units this development would be able to build if water and sewer services are granted by the town. **MOTION to move to a 2nd Reading Failed.** **VOTE: Yes-0, No-9.**

Bylaw Amendment 12-693: Amendment to Sewer System Map – 1st Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Unanimous.** **MOTION** by Councilor Powderly to move Bylaw Amendment 12-693 to a 2nd Reading **SECONDED** by Councilor Mercer. **MOTION to move to a 2nd Reading Failed.** **VOTE: Yes-0, No-9.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting announced the Environmental Protection Agency (EPA) awarded Franklin \$50,000 in grant money to aid the Town in creating ways to handle the Town’s storm water. ► Mr. Nutting said DPW Director Robert A. Cantoreggi would make a presentation regarding the condition of the Town’s public ways at the next Town Council Meeting.

OLD BUSINESS: ► Councilor Kelly requested the DPW Director attend a future Council Meeting to review the fees discussed at the July Council Meeting. ► Councilor Powderly thanked Mr. Nutting for aggressively pursuing National Grid.

NEW BUSINESS: ► Councilor Dellorco requested Mr. Nutting look into Mr. Taddeo’s recent loss of his farm permit. ► Councilor Kelly and Mr. Nutting discussed the bylaw that addresses non-

residents' ability to serve on sub-committees. ► Councilor Bissanti provided an update on property located on Wachusett Street that may be available for purchase by the Town to use for additional parking. Councilor Bissanti, Chairman Vallee and Mr. Cerel discussed the site land bylaw. ► Councilor Roy said the Master Plan Committee is prepared to give a brief presentation. Councilor Roy requested the Committee be given time for the presentation at a future Council Meeting.

COUNCILOR COMMENTS: ► Councilor Roy thanked the citizens of Franklin for their support during the Pan Mass Challenge. ► Councilor Bissanti commended Mr. Nutting and Councilor Roy for participating in the Pan Mass Challenge. ► Councilor Pfeffer, citing recent reports of Eastern Equine Encephalitis Virus (Triple E) in Massachusetts, asked Mr. Nutting if Franklin will be testing for the virus. Mr. Nutting said the State conducts the testing. ► Councilor Powderly thanked the Kennedy School PCC Playground Committee and all of the people who were involved in getting the new playground at the Kennedy School. ► Councilor Mercer provided an update on the New Franklin High School Project, which is on budget.

ADJOURN: MOTION by Councilor Mercer to adjourn
SECONDED by Councilor Kelly. **VOTE to Approve:**
Unanimous. Meeting adjourned at 8:39PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary