

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
September 5, 2012**

A meeting of the Town Council was held on Wednesday, September 5, 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: Robert A. Cantoreggi; Department of Public Works Director.

CALL TO ORDER: Chairman Vallee called the meeting to order at 7:00PM with a moment of silence and the Pledge of Allegiance. Josh Rich and Chris Rich of Boy Scout Troop 126 led the Pledge of Allegiance.

APPROVAL OF MINUTES: *July 18, 2012 Regular Session, Executive Session Minutes July 18, 2012, to be released.* **MOTION** by Councilor Kelly to approve all minutes **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-0, Abstain-1.**

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

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: NONE.

APPOINTMENTS: Election Workers: **MOTION** by Councilor Pfeffer to ratify the appointment of Lucy Semerjian of 21 Garfield Street, Jeanne Pisani of 28 Garfield Street, Donald Gelineau of 201 Crossfield Road, Peter DeLuca of 15 Spruce Pond Road, Hazel Witzel of 131 Highwood Drive, Robert B. Brown of 3 Meadowbrook Road, Anne M. Bissanti of 215 Jordan Road, Joan Cussen of 26 Ribero Drive, Mary Anne Bertone of 17 Grey Wolf Drive as Election Workers **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: Councilor Pfeffer read the application from 99 Restaurant of Boston LLC for a New Officer/Director and Issuance of Stock and Stock Transfer and New Stockholder relative to their all alcoholic beverages restaurant license. **MOTION** by Councilor Pfeffer to authorize the Clerk of the Council to sign Form 43 on the requested transaction for a New Officer/Director, Issuance of Stock, Stock Transfer, and New Stockholder **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

SUBCOMMITTEE REPORTS: Economic Development Committee – Councilor Jones reviewed items on the Committee’s agenda, including the Town owned property on Pond Street, the Site Land Bylaw and the recently demolished Nu-Style Building.

Master Plan Committee – Councilor Roy explained the committee is organized into four “sub-committees” which work independently and meet twice a month. Councilor Roy said the two recent public hearings were well attended and received great input from folks. Additional public hearings will be scheduled and citizens can get up to date information from the Town’s website as well as on Facebook. Councilor Roy encouraged people to get involved and offer suggestions. A final report is on target to be completed by June 2013.

HEARINGS: Zoning Bylaw Amendment 12-689 Chapter 185 Zoning Map: Single Family III to Business Zoning District – 7:10PM: **MOTION** by Councilor Jones to open the hearing **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.** Mr. Nutting presented an overview of the proposed plan to change property located along Interstate 495 from residential to business. Mr. Nutting spoke in favor of the

proposed change as the land is not considered an ideal location for homes due the proximity of Interstate 495 and high tension power lines, which are partially above the land. Mr. Nutting said he envisioned the land to be used for office, hotel and retail business, not commercial business. Several councilors expressed concerns ranging from safety issues of a potential parking lot located under high-tension power lines, additional congestion at the King Street/Interstate 495 intersection to the rights of residents impacted by the potential development of land. ►Citizen John Ross of 17 Taft Drive, expressed concerns and offered information regarding the high-tension power lines located on the land where the proposed zoning change is located. ►Citizen Karen Miller of 18 Taft Drive, explained how the residential neighborhood where she lives would have a view of any development on the land, reviewed the impact of a residential verses business development of the land in terms of town revenue; traffic concerns as well why additional “business” zoned land was necessary when other vacant commercial property is available in Franklin. Ms. Miller asked if the Master Plan Committee had approved the rezoning plan. Councilor Roy responded to Ms. Miller’s question by saying the Master Plan Committee had not reviewed the rezoning plan. **MOTION** by Councilor Powderly to close the public hearing **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.**

NOTE: The Hearing, Zoning Bylaw Amendment 12-689 and The Presentation were discussed out of order.

PRESENTATIONS/DISCUSSIONS: Department of Public Works – DPW Director Robert A. Cantoreggi and Tony Garro of Bates Engineering presented an update on the condition of the town’s 206.58 miles of roadways. Mr. Garro provided an overview of the computer system being used to monitor the condition of the Town’s roadways. Mr. Garro and Mr. Cantoreggi stressed the importance of maintaining roadways as opposed to replacing roadways as a way to save the Town money. The roadway inventory of the 164 “accepted” road miles earned a 76 – which is considered “good”. To get all of the roadways up to a 100 rating, would cost approximately 22 million dollars. Mr. Cantoreggi said the Town is working on having more road miles “accepted”. Mr. Cantoreggi said most of the funding for roadway projects come from Chapter 90 funding – the Massachusetts program which reimburses municipalities for eligible roadway projects. The more roadways the Town has that are “accepted”, the greater amount of Chapter 90 funding will be available for roadway maintenance/projects. Mr. Garro made several recommendations: update the database, inspect roadways, add new roadways as they become accepted and monitor the unit prices of raw materials such as asphalt, in order to continue to plan for the Town’s roadways. ►Councilor Roy asked about public availability of information regarding the condition of specific streets. Mr. Cantoreggi said the roadway report could be added as a link to the Town’s website. ►Councilor Kelly asked about the new system’s ability to generate reports. Mr. Cantoreggi said the system can generate reports. ►Chairman Vallee commended Mr. Garro and Mr. Cantoreggi for all of the work that went into preparing the evening’s presentation.

LEGISLATION FOR ACTION:

Zoning Bylaw Amendment 12-689: Amendment to Chapter 185-5, Single Family III to Business: 1st Reading – Councilor Pfeffer read the zoning amendment to change zoning from Residential III to Business an area containing 33.767+/- acres, comprising the following parcels of land: 313-006-000, 313-053-000, 313-007-000, 313-054-000, 313-008-000, 313-055-000. **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 12-689 to a 2nd Reading **SECONDED** by Councilor Dellorco. **DISCUSSION:** Several Councilors spoke of concerns regarding National Grid’s plan to possibly move the high-tension power lines, the buffer zone of any proposed development of land, and the concerns of Taft Drive residents verses the need for the town to generate more income from businesses. There was some discussion regarding splitting a lot between Residential III and Business in order to provide a greater buffer zone between area residences and any business development. ►Citizen Chris Feeley of 5 Taft Drive, clarified with Mr. Nutting the Town’s plan to split one owner’s lot into two lots - one lot would be zoned residential and one lot would be zoned business. Councilor Roy clarified the evening’s vote was not to approve the zoning bylaw amendment, but rather to move the amendment to a 2nd Reading. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Chairman Vallee called for a two-minute recess at 7:54PM.

Zoning Bylaw Amendment 12-686: Amendment to Chapter 165, Transient Vendors – 2nd Reading:

MOTION by Councilor Powderly to waive the reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Powderly to approve Bylaw Amendment 12-686 **SECONDED** by Councilor Mercer. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-0, No-0, Absent-0, Unanimous.**

Zoning Bylaw Amendment 12-690: Amendment to Chapter 8, Council on Aging – 2nd Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Powderly to approve Bylaw Amendment 12-690 **SECONDED** by Councilor Mercer. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-0, No-0, Absent-0, Unanimous.**

Bylaw Amendment 12-691: Dogs – 2nd Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Powderly to approve Bylaw Amendment 12-691 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained a few changes to the bylaw since it was originally presented. The fine structure was changed for a loose dog, continuous barking and/or not picking up after your dog to a warning, and then a monetary fine for a subsequent infraction. Mr. Cerel said some changes to the bylaw were necessary due to recent changes in state law. ►Citizen in audience requested clearer language regarding the private property clause, and requested the bylaw include a dog weight limit for use of retractable leashes and a specific amount of time to be denoted as what “continuous” means in the continuous repeated barking clause. ►Citizen in audience provided a specific situation related to the private property clause. Mr. Cerel responded to the citizens concerns by saying a warning is issued first, before a fine is issued. ►Councilor Powderly thanked the residents for emailing the Councilor and for attending the meeting. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-0, No-0, Absent-0, Unanimous.**

TOWN ADMINISTRATOR’S REPORT: Mr. Nutting provided several updates for the community. ►Mr. Nutting said the Legislature passed a bill banning phosphorous in fertilizers. The Bill was signed by the Governor, and will become effective in 2014. Reduction in the use of phosphorous will save the Town millions of dollars in expenses related to phosphorous removal from the Town’s storm water. ►Mr. Nutting announced the water restrictions will be removed this weekend. Mr. Nutting suggested the fall is the best time of year for anyone who wishes to start a new lawn as water restrictions are less likely to be instituted. ►Mr. Nutting thanked the school custodians and the DPW workers for the fantastic job they did preparing the Town’s schools for the new school year. ►Mr. Nutting announced the portable classrooms are being removed from Parmenter Elementary School. ►Grove Street will be closed for a few days while the water project is being completed.

OLD BUSINESS: ►Councilor Roy said he was happy to see the power company National Grid working on the Town’s power lines. Councilor Roy requested an update from Mr. Nutting regarding a meeting date for the Town and National Grid. Mr. Nutting said a date had not been set, but expected the meeting to take place within the next three weeks. ►Councilor Bissanti inquired about the Wachusett Street property adjacent to the Fletcher Field parking lot. Mr. Nutting said he did not have an update. ►Councilor Powderly asked for additional information regarding the Grove Street water project. Mr. Nutting clarified Grove Street would be closed for a few days beginning at West Central Street, extending down to Forge Hill Road.

NEW BUSINESS: ► Councilor Bissanti requested an update on the James Street farm issue. Mr. Nutting said the noise issue has been taken care of, and beyond that is a private property issue. ►Chairman Vallee requested an update on the Town Common Holiday Decorations. Mr. Nutting said he will look into it before October. ►Councilor Jones asked about forming a Holiday Committee to address the Town Common decorations. Mr. Nutting offered to have Councilors Jones and Dellorco meet with the Town to discuss the

Town Common Holiday display.

COUNCILOR COMMENTS: ► Councilor Mercer announced the opening of final subcontractor bids for the Franklin High School Project will take place on Tuesday September 11, 2012 at 2:00PM in Council Chambers. The opening of general contractor bids will take place on September 25, 2012. ► Councilor Powderly thanked DPW Director Robert A. Cantoreggi and his staff for the work done on the Town's roadways and on the phosphorous issue. Councilor Powderly also reminded residents to vote at tomorrow's primary. ► Councilor Pfeffer said Bob Dean is in her thoughts and wished Will Boudreau a speedy recovery from a recent accident. Councilor Pfeffer requested clarification regarding the Parmenter School Modulares, as it was her understanding the modulares were supposed to have been removed over the summer but were only being removed now. Mr. Nutting said the plan was to have the modulares removed over the summer, but the company that owns the modulares were not willing/able to remove them until September. ► Councilor Bissanti wished Councilor Roy luck at tomorrow's primary election.

ADJOURN: MOTION by Councilor Mercer to adjourn **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.** Meeting adjourned at 8:48PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary