

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
October 3, 2012**

A meeting of the Town Council was held on Wednesday October 3, 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.

APPROVAL OF MINUTES: *September 5, 2012 Regular Session* – **MOTION** by Councilor Powderly to move approval of September 5, 2012 Minutes **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.**

ANNOUNCEMENTS: Chairman Vallee announced the meeting was being recorded by Franklin TV and available for viewing on Comcast Channel 11, Verizon Channel 29. This meeting is being recorded by Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: NONE.

APPOINTMENTS: NONE.

HEARINGS: NONE.

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS: *Department of Public Works Director – Town Common:* DPW Director Robert A. Cantoreggi and Mr. Nutting provided the Council with an update on improvements to the Town Common. The Common's electrical system will be relocated from underneath the gazebo to a small electrical box located on the Union Street side of the Common. Lighting and sound controls will be accessed using the control panel of the electrical box. The existing gazebo lights will be replaced with energy efficient LED (Light-Emitting Diode) lights. Mr. Cantoreggi said 12 of the 108 trees located on the Common will be removed so as to reduce the crowding of trees as well as to improve the overall appearance of the Common. Mr. Cantoreggi provided a tree map of the Common and indicated which trees are scheduled to be removed. Councilor Kelly asked about replacing the benches as they are in poor condition. Mr. Nutting said the benches are scheduled to be replaced, but will be done at a later date as the cost per bench is approximately \$1000. Improvements to the Common will not be done all at once, but over the next 5 years, or so. The plan includes simplifying holiday decorations, and increasing the number of holiday lights.

SUBCOMMITTEE REPORTS: NONE.

LEGISLATION FOR ACTION:

Resolution 12-65: Acceptance of G.L. Chapter 40, Section 42J: Councilor Pfeffer read the resolution to accept a local statute which authorizes a municipality to defer water charges of an eligible property owner, sixty-five years of age or older. **MOTION** by Councilor Powderly to move Resolution 12-65 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained the statute is designed to help those who are

struggling financially. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 12-66: Acceptance of G.L. Chapter 80, Section 13B: Councilor Pfeffer read the resolution to accept a local statute which authorizes a municipality to enter into a real estate tax deferral and recovery agreement with an eligible property owner, sixty-five years of age or older. **MOTION** by Councilor Powderly to move Resolution 12-66 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said this is just a formality that actually requires the taxes to be paid back. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 12-67: Acceptance of G.L. Chapter 83, Section 16G: Councilor Pfeffer read the resolution to accept a local statute which authorizes a municipality to defer the sewer charges of an eligible property owner, sixty-five years of age or older. **MOTION** by Councilor Powderly to move Resolution 12-67 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting explained this resolution was the same as the water resolution, but with sewer charges. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 12-68: Acceptance of G.L. Chapter 59, Section 5N. Reduction of Property Tax Obligation of Veteran in Exchange for Volunteer Services – Councilor Pfeffer read the resolution to establish a program to allow veterans to provide services to the Town in exchange for a reduction in real property tax obligations of that veteran on the veteran's tax bills. **MOTION** by Councilor Powderly to move Resolution 12-68 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explains this is a new law, which allow localities the opportunity to offer a program similar to the Senior Citizen Program to veterans. The Veteran Program would allow veterans of any age to participate, but would initially limit the number of veterans participating in the program to 10. The veteran participant would have to own the home and the program would offer help on a temporary basis. Councilor Powderly said the Senior Outreach Committee unanimously voted to support this program for veterans. Councilor Bissanti clarified that any veteran can apply, there is no income level – but the program was created to help those veterans that may be out of work, or between jobs. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 12-69: Senior Tax Deferrals – Councilor Pfeffer read the resolution to establish the interest rate to be charged for deferred taxes for fiscal years beginning on or after July 1, 2013 at the 30 day interest rate offered as of June 30 of the previous fiscal year by the Massachusetts Municipal Depository Trust for municipal deposits plus 2 percentage points. **MOTION** by Councilor Powderly to move Resolution 12-69 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained in the past towns charged 8% interest, but interest rates have dropped so dramatically, it was necessary to make adjustments to how towns calculate the amount of interest charged on deferred taxes. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Bylaw Amendment 12-694: Amendment of Service Fees: 1st Reading – Councilor Pfeffer read the bylaw amendment to update service fees related to Animal Control. **MOTION** by Councilor Powderly to move Bylaw Amendment 12-694 to a 2nd Reading **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting said there would be a \$5 increase in fees, which is the first increase in 9 years. Councilor Roy asked for clarification regarding one fee – “Pickup at \$45 per day”. Mr. Cerel and Mr. Nutting agreed the wording should be amended to read: “Pickup at \$45 per Occurrence” instead of “per day”. **Vote to Move Bylaw Amendment 12-694, as Amended to a 2nd Reading: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 12-689: Single Family III to Business Zoning District – Changes to Chapter 185-5 Zoning Map: 2nd Reading – Councilor Pfeffer read the zoning bylaw amendment to change from Single Family III to Business an area containing 33.767 +/- acres. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 12-689 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting noted the current

re-zoning of land has been reduced to allow a greater buffer for area abutters. Councilor Powderly clarified one lot is split between Single Family III and Business. Councilor Roy said during a recent meeting with representatives from National Grid, he was assured of the safety of the high-tension wires located on the property. ► Citizen John Cook of 7 Taft Drive addressed the Council. Mr. Cook thanked Councilor Mercer and Mr. Nutting for adding more land to the “buffer” zone. Mr. Cook said he still is concerned about light pollution and thought the rezoning of the land in question appeared to be “Spot Zoning”. Mr. Nutting said the proposed zoning change does not constitute “Spot Zoning” as the property is owned by several property owners. ► Citizen Karen Miller of 18 Taft Drive asked if the Town had the authority to split zone a single piece of land. Mr. Nutting confirmed the Town can split zone a single piece of land. Mr. Nutting said the development of land will be a public process, and the Planning Board would be involved. ► Citizen John Ross of 17 Taft Drive thanked the Council for the increased size of the abutment, and requested the Council consider the amount of increased noise any development of the land would cause. ► Councilor Jones explained the Town’s position on increased business development as necessary to support the Town and the Town’s schools. **MOTION** by Councilor Mercer to move Zoning Bylaw Amendment 12-689, as Amended **SECONDED** by Councilor Pfeffer. **Vote to Approve moving Bylaw Amendment 12-689, as Amended: 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.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting said there is an available Beer & Wine License available resultant from DeVita’s Market relinquishing their Beer & Wine License for an All Alcohol License. Mr. Nutting said he was considering using the same process to advertise the availability of the Beer & Wine License as was used to advertise the All Alcohol License. ► Mr. Nutting thanked everyone who made the Harvest Festival so successful. ► Mr. Nutting expressed his condolences to Councilor Bissanti and the Bissanti family for the loss of Councilor Bissanti’s father. Mr. Nutting also expressed his condolences to 4 Town employees who recently lost a family member. ► Mr. Nutting said the Capital Improvement Budgets will be due in a few weeks.

OLD BUSINESS: Councilor Bissanti said he had discussed the Wachusett Street property, which abuts Fletcher Field with attorney Peter Padula. Mr. Bissanti said Mr. Padula will be contacting Mr. Nutting regarding this property.

NEW BUSINESS: ► Councilor Pfeffer inquired about putting an inventory system in place whereby Town departments with excess equipment/furniture/supplies could give said items to other departments. Mr. Nutting said the School Department does maintain a complete inventory. The other departments utilize a less formal approach, whereby an email is sent out when a department has available usable items. Mr. Nutting offered to have the Purchasing Director attend a future Council Meeting to explain how the Town handles no longer needed usable items.

COUNCILOR COMMENTS: ► All of the Councilors offered their condolences to their fellow Councilor, Andrew Bissanti and to the Bissanti family for the recent loss of Councilor Bissanti’s father. ► Councilor Bissanti thanked Franklin and his fellow councilors for their support during this difficult time. ► Councilors Roy and Jones reported the Harvest Festival was well attended despite the rainy weather. Both councilors thanked the Downtown Partnership for a job well done. ► Councilor Jones thanked the Council for their support of the zoning changes to the area around Exit 16. Councilor Jones said the zoning change will have a positive impact on Franklin by increasing revenue necessary to meet the Town’s ever growing budget. Councilor Jones also said bringing more businesses to Franklin will mean more jobs and that he is available to listen to area residents who are concerned about any proposed development of the Exit 16 area. ► Councilor Powderly

requested Mr. Nutting provide the Council with an update on Mass DOT (Massachusetts Department of Transportation) after the department completes a series of upcoming meetings. ► Councilor Mercer provided an update on the New Franklin High School Project. Agostini Construction Company was awarded the contract and has estimated the project will cost 1.1 million dollars less than originally projected. A groundbreaking ceremony will take place on Saturday October 13, 2012 at 2:30PM on the existing high school's grounds. Councilor Mercer said a tentative date of November 14, 2012 has been scheduled to hold a public meeting to provide updates to the public regarding the New High School Project. Councilor Mercer cautioned high school parents to pay attention to traffic pattern changes at the school. During each of the project's 3 Phases, traffic patterns will change to accommodate the construction project.

ADJOURN: MOTION by Councilor Mercer to adjourn **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.** Meeting adjourned at 8:02PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary