

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
November 7, 2012**

A meeting of the Town Council was held on Wednesday, November 7, 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: Deborah Pellegrini; Town Clerk, Robert A. Cantoreggi; Department of Public Works Director, Bryan Taberner; Planning Director, Beth Dahlstrom; Town Planner.

CALL TO ORDER: Chairman Vallee called the meeting to order at 7:00PM with a moment of silence and the Pledge of Allegiance.

ORGANIZATION: Nominations – MOTION by Councilor Powderly to nominate Robert Vallee as the Council Chair **SECONDED** by Councilor Dellorco. **VOTE to Approve: Yes-9, No-0.** **MOTION** by Councilor Powderly to close the nominations **SECONDED** by Councilor Dellorco. **VOTE to Approve: Yes-9, No-0.** **MOTION** by Councilor Jones to nominate Tina Powderly as the Council Vice Chair **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.** **MOTION** by Councilor Jones to close the nominations **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.** **MOTION** by Councilor Kelly to nominate Judith Pfeffer as the Council Clerk **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.** **MOTION** by Councilor Kelly to close the nominations **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.**

APPROVAL OF MINUTES: October 3, 2012 Regular Session, October 17, 2012 Executive Session Minutes – MOTION by Councilor Powderly to move approval of all minutes **SECONDED** by Councilor Mercer. **CORRECTIONS:** Councilor Powderly requested the October 17, 2012 Executive Session Minutes be corrected to reflect Councilor Powderly as “present” instead of “absent”. **Vote to Approve as Amended: Yes-9, No-0.**

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

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: ► Deborah Pellegrini; Town Clerk reported to the Council an Election Day summary. Ms. Pellegrini said there was a high voter turnout with no long lines or complaints with the exception of an issue of construction preparation work that was conducted in the High School parking lot during election hours. Ms. Pellegrini thanked the School, Department of Public Works, Police Department, Custodial Staff, the electrician that set up all of the electrical work and the voters. ► Robert A. Cantoreggi; Department of Public Works Director provided feedback on a program the Town participated in whereby three men from Pakistan shadowed Town employees from a variety of departments. Each of the three Pakistani participants addressed the Council and stated how grateful they were for the opportunity to see democracy in practice.

APPOINTMENTS: *Ken Norman, Rose Turco, Frank Falvey - Franklin Community Cable*

Access Corporation - Councilor Pfeffer read the ballot whereby Ken Norman of 18 Daniels Street, Rose Turco of 18 Winter Street and Frank Falvey of 920 Pond Street had each applied for two Director positions on the Board of Directors for the Franklin Community Cable Access Corporation. **MOTION** by Councilor Jones to nominate Ken Norman, Rose Turco and Frank Falvey to the Franklin Community Cable Access Corporation **SECONDED** by Councilor Kelly. **VOTE to Approve Ken Norman: Yes-8, No-0, Recuse-1. VOTE to Approve Rose Turco: Yes-8, No-0, Recuse-1. Ken Norman and Rose Turco are appointed to the Board.**
Paul Aparo - Finance Committee: **MOTION** by Councilor Pfeffer to ratify the appointment Paul Aparo of 242 Daniels Street to the Finance Committee **SECONDED** by Councilor Powderly.
DISCUSSION: Councilor Powderly discussed her support for Mr. Aparo. **Vote to Approve: Yes-9, No-0.**

HEARINGS: NONE

SUBCOMMITTEE REPORTS: *Economic Development Sub-Committee* – Councilors Bissanti & Jones said the sub-committee’s focus is to find new revenue sources and attract new businesses to Franklin. Upcoming sub-committee topics will be posted.

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS: *Senior Center* – Karen Alves; Senior Center Director provided the Council with an update on the Center’s goals and projected growth over the course of the next decade. The elderly population in Franklin is expected to increase by 58% over the next decade, which will cause the Senior Center to become more relevant. Ms. Alves provided statistics on the benefits to seniors who utilize the Senior Center, reviewed the many programs available at the Senior Center and recommended the expansion of the facility and the parking lot. Ms. Alves clarified that anyone age 50 or older may use the Center. ► Councilor Powderly asked about the Center’s budget. Ms. Alves stated the Center operates on approximately \$100,000 per year and relies on many volunteers. Councilor Powderly also inquired as to who the new liaison will be. Mr. Nutting confirmed Maxine Kinhart will take over in the liaison role between the Town and the Council on Aging. ► Councilor Pfeffer discussed the role of the Friends of Franklin Elders, which pays for the Center’s cook, entertainment and the Veteran’s Breakfast. Councilor Pfeffer encouraged folks to donate to this 501(c)(3) group. ► Councilor Bissanti reminded everyone of the Veteran’s Breakfast which will be held on Friday November 9th at 9:00AM at the Senior Center. The Councilors thanked Ms. Alves and the rest of the Center staff and Center volunteers.
Franklin TV – Ken Norman; Franklin Community Cable Access Corporation Board Member and Peter Fasciano; Executive Director reviewed the Corporation’s progress. The group was incorporated in November of 2011. Mr. Fasciano was hired on April 30, 2012 and began work rehabbing the cable operation. The Corporation was granted “501(c)(3) Status” by the Internal Revenue Service in September 2012. The Corporation plans to move its studio to 23 Hutchinson Street and will be filing plans with the Town for approval. Mr. Norman said the only outstanding item for the Corporation to complete for the Town is the Corporation’s Audit, which will be conducted at the end of 2012. Mr. Fasciano provided details on his professional career and his qualifications for the Executive Director position at the request of Councilor Jones. ► Councilor Pfeffer inquired about the initial \$400,000 funding. Mr. Nutting confirmed the funds did not come from the Town, but rather from Cable charges. Chairman Vallee thanked Mr. Norman and Mr. Fasciano for the presentation.

LEGISLATION FOR ACTION:

Resolution 12-72: Establishment of an Operating Budget Stabilization Fund: Councilor Pfeffer read the resolution to establish an Operating Budget Stabilization Fund pursuant to the provisions of Chapter 40 Section 5B of the Massachusetts General Laws. **MOTION** by Councilor Powderly to move Resolution 12-72 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting explained there was \$800,000 in excess of capacity of the General Stabilization Fund. The excess occurred when the Town received higher than expected State Aid and there was some new growth from extra local receipts. Mr. Nutting said this new fund would be used to balance the budget when there is shortfall instead of requesting an over-ride. Councilor Powderly spoke in support of this resolution. **Vote to Approve: Yes-9, No-0.**

Resolution 12-73: Operating Budget Stabilization Fund - \$775,000: Councilor Pfeffer read the resolution to raise and appropriate funds to the Operating Budget Stabilization Fund in the amount of \$775,000.00. **MOTION** by Councilor Pfeffer to move Resolution 12-73 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained this resolution is needed to fund Resolution 12-72 Stabilization Fund. **Vote to Approve: Yes-9, No-0.**

Resolution 12-74: Interest – Property Tax - \$38,000: Councilor Pfeffer read the resolution to raise and appropriate funds in the amount of \$38,000 for the purpose of paying interest owed to taxpayer due to a tax abatement granted to Verizon for Poles and Wires over Public Ways for FY 2009. **MOTION** by Councilor Pfeffer to move Resolution 12-74 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained the necessity for this resolution dates back to on-going litigation between area towns/cities and Verizon. Cities/towns had initially taxed Verizon Poles which a higher court later reversed. Funds were put aside during the litigation process in the event the ruling was reversed in Verizon's favor. The \$38,000 is the "interest" from the taxes initially paid by Verizon and is mandated by the higher court ruling. **Vote to Approve: Yes-9, No-0.**

Resolution 12-75: Town of Franklin Net Metering Power Purchase Agreement Authorization – Councilor Pfeffer read the resolution to authorize the Town Administrator to complete negotiations and enter into a Net Metering Power Purchase Agreement and a Payment In Lieu of Taxes Agreement, both for a term not to exceed twenty (20) years, by and between the Town of Franklin and Kearsarge Franklin LLC in relation to a three (3) Mgw ground mounted solar energy system to be located at the property of the Cistercian Nuns of Strict Observance on Upper Union Street, Franklin. **MOTION** by Councilor Jones to move Resolution 12-75 **SECONDED** by Councilor Mercer. **DISCUSSION** The agreement allows the Town to purchase power at a lower rate over the course of the next 20 years and as long as the solar facility exists. Mr. Nutting said this is the first of two phases, the first calling for construction of 12,000 solar panels and the second phase calling for another 12,000 panels. Mr. Nutting said this is a "win" for the Cistercian Nuns and for the Franklin taxpayers. **Vote to Approve: Yes-9, No-0.**

Bylaw Amendment 12-694: Amendment of Service Fees – 2nd Reading: Councilor Pfeffer read the bylaw to amend the "List of Service Fee Rates". **MOTION** by Councilor Powder to move Bylaw Amendment 12-694 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the bylaw amendment updates the list of fee rates. **Vote to Approve: Yes-9, No-0.**

Zoning Bylaw Amendment 12-695: Site Plan and Design Review: Chapter 185, Section 31 – 2nd Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **Vote to Approve: Yes-9, No-0.** **DISCUSSION:** Mr. Nutting said this bylaw and the following two bylaws are all connected and suggested the three bylaws be explained at this point.

Bryan Taberner; Planning Director and Beth Dahlstrom; Town Planner provided general information regarding the three bylaw amendments. The Site Plan Bylaw was completely re-written to make it easier for a landowner/developer to understand the Site Plan Review requirements, as well as to streamline the permitting process. ► Councilor Pfeffer confirmed the Design Review Commission had not reviewed the amended bylaws, but the Economic Development Committee had reviewed and was recommending the amended bylaws to the Council. Councilor Pfeffer expressed concern over the cost and process to homeowners and developers when applying for permits. ► Councilor Bissanti discussed “use” and “reuse” issues as pertaining to the amended bylaws. **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 12-695 for referral to the Planning Board **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.**

Zoning Bylaw Amendment 12-696: Signs. Sign Approvals: Chapter 185, Section 20 –2nd

Reading: **MOTION** by Councilor Jones to waive the reading **SECONDED** by Councilor Powderly. **Vote to Approve: Yes-9, No-0.** **MOTION** by Councilor Powderly to refer Zoning Bylaw Amendment 12-696 to the Planning Board **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.** **DISCUSSION:** Beth Dahlstrom explained the bylaw amendment moves sign information from Site Plan Review to the Sign Bylaw. Both Mr. Nutting and Mr. Cerel explain the change is not substantive, rather just moves the information to a more logical place. ► Councilor Pfeffer suggested changing all of the forms and duplicates necessary for small businesses to open. **Vote to Approve: Yes-9, No-0.**

Zoning Bylaw Amendment 12-697: Administration & Enforcement. Design Review Commission: Chapter 185, Section 45 – 2nd ***Reading:*** **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 Amendment 12-697 to the Planning Board **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.** **DISCUSSION:** Ms. Dahlstrom and Mr. Cerel both state this bylaw moves Design Review related items to one location. **Vote to Approve: Yes-9, No-0.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting recognized Fire Chief Gary B. McCarraher, Deputy Fire Chief Paul J. Sharpe, the entire Emergency Management Team, Department of Public Works, Police Department and Fire Department for their part in preparing for the recent storm. Mr. Nutting was less enthused by National Grid’s preparedness for the storm. Mr. Nutting said he, Chairman Vallee, and Councilors Roy and Kelly met with a National Grid representative after this last storm to voice concerns over the electric company’s lack of preparation for the impending storm. Mr. Nutting said he will continue to pursue storm response issues with National Grid. ► Mr. Nutting announced a Tax Rate Hearing will take place on November 28th. ► Ms. Dahlstrom and the Hockomock YMCA have created a walking map of Franklin. ► The Town Common tree removal project is completed, which has resulted in a more open and friendly environment. The Town Common is undergoing electrical upgrades and the Common will be decorated for the holidays in a timely fashion. ► Mr. Nutting requested an Executive Session for real property at the conclusion of the Meeting. ► Wished everyone a Happy Thanksgiving.

OLD BUSINESS: ► Councilor Roy said that while power outages do occur especially during storms, the level of communication from National Grid during the last storm was unacceptable. The National Grid liaison stationed in Franklin was unable to obtain updates from the power company. Councilor Roy said he would like National Grid to come back to the Council with an action plan to correct infrastructure issues. ► Councilor Vallee suggested National Grid create a refrigerator magnet with the company’s contact information in case of an emergency. ► Councilor Bissanti

would like to hold National Grid accountable for the poor response to the last storm and infrastructure concerns. ► Mr. Nutting said National Grid had trimmed trees and placed an on-site liaison at the Fire Station. The problem was National Grid was not communicating with its own liaison. Mr. Nutting said the National Grid issues were not specific to Franklin, but occurred in several towns/cities. In addition, there seems to be a problem with the “Union Loop” which powers the 3-4 thousand homes in the downtown area of Franklin. Mr. Nutting said he believed power outages occur in this area more frequently than other areas of Franklin. ► Councilor Jones said he was very disappointed with National Grid and would like to see National Grid come before the Council with a real plan. ► Councilor Pfeffer inquired about the Jefferson School roof. Mr. Nutting said the roof continues to leak and repair work will be included in the Capital Budget. Work however cannot begin until the summer when the building does not have students. ► Councilor Kelly thanked the offices of Senators Spilka and Ross for their help during the storm. Councilor Kelly said he wanted National Grid to get back to the Council with specific information on the “Union Loop”. Councilor Kelly stated he wanted to have service fees for final water readings brought before the Council for discussion. ► Councilor Dellorco said he was told by National Grid pole workers that unless the workers have a work order, the workers are told to “hide”. ► Mr. Nutting said he would write a letter requesting National Grid attend a Council Meeting.

NEW BUSINESS: ► Councilor Dellorco congratulated Jeff Roy on his election victory. ► Councilor Kelly asked if Mr. Nutting would inquire with MBTA about the constant whistle of the 4AM train. Mr. Nutting said there are regulations in place by MBTA as to how many times the train whistle must blow at each road crossing. ► Councilor Pfeffer inquired about the Capital Budget Meeting. Mr. Nutting said he will send out the date of the meeting. ► Councilor Bissanti followed up on the Wachusett property located next to the Fletcher Field parking lot. Councilor Bissanti said the estate must be settled before anything else happens on the property.

COUNCILOR COMMENTS: ► Councilor Roy thanked Franklin for their vote and is looking forward to getting sworn in on January 2, 2013. ► Councilors Bissanti, Roy, Vallee, Powderly, Kelly, Dellorco and Mercer congratulated Councilor Roy. ► Councilor Powderly was happy so many topics were covered at the meeting and asked for an update on the safety concerns of the Parmenter School King Street crosswalk. ► Councilor Mercer reminded everyone of the High School Project public hearing on the various phases of the project. The public hearing will take place on November 14, 2012 at 7PM in the public chambers.

EXECUTIVE SESSION: Chairman Vallee said the Town Council would go into Executive Session to discuss real property and declared that an open meeting may have a detrimental effect on the position of the body. Open Session did not reconvene at the conclusion of the Executive Session.

MOTION by Councilor Pfeffer to go into Executive Session to discuss real property and not to resume Open Session **SECONDED** by Councilor Kelly. **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.**

The Regular Session of the meeting ended at 8:48PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary