

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
December 19, 2012**

A meeting of the Town Council was held on Wednesday, December 19, 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: Planning Director Bryan Taberner, Town Planner Beth Dahlstrom, Susan Gagner Town Comptroller.

CALL TO ORDER: Chairman Vallee called the meeting to order at 7:00PM and read a prepared statement by the Council in response to the incident that occurred in Newtown Connecticut. (attached to minutes) Chairman Vallee followed the prepared statement with a moment of silence and the Pledge of Allegiance.

APPROVAL OF MINUTES: *January 11, 2012 Budget Workshop* **MOTION** by Councilor Powderly to approve the minutes **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-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: Chairman Vallee read the proclamation in honor of former State Representative James E. Vallee and presented him with a Citizenship Award. Mr. Nutting and all of the Councilors reflected on Mr. Vallee's dedication to public service.

Chairman Vallee called a two-minute recess at 7:19PM.

CITIZEN COMMENTS: NONE. **APPOINTMENTS:** NONE.

HEARINGS:

Zoning Bylaw Amendment 12-695: Changes to Chapter 185, Section 31 – Site Plan and Design Review;

Zoning Bylaw Amendment 12-696: Changes to Chapter 185, Section 20 - Signs, Sign Approvals;

Zoning Bylaw Amendment 12-697: Changes to Chapter 185, Section 45 – Administration and Enforcement, Design Review Commission. **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.** Mr. Nutting explained the Town has over the past few years been working on streamlining the Site Plan Bylaw. The changes made to the Site Plan Review are necessary for the Town to be fair and consistent for everyone in the community. Town Planner Beth Dahlstrom and Planning Director Bryan Taberner explained the necessity for the proposed changes to the current bylaws. ► Councilor Pfeffer said she did not support the proposed changes as she felt the process was still too “bureaucratic”. ► Councilor Roy questioned how the Planning Department arrived at 500 square feet as the maximum space size allowed to receive an exemption, and said he shares some of the concerns Councilor Pfeffer mentioned. ► Chairman Vallee stated Councilors Bissanti, Jones and Pfeffer would meet with the Planning Department in order to resolve the issues the Council has with the proposed bylaw changes. **MOTION** by Councilor Jones to close the hearing **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS: *Citizens Committee* – Larry Benedetto explained he had planned to have a final Committee presentation, but as it turned out the Committee will remain active for a while longer due to some unfinished business. He said work with the MBTA would continue in an effort to improve the Franklin Train Station. Mr. Benedetto also indicated the Committee supported the efforts of the Planning Department with regard to the Bylaw changes as a step in the right direction.

SUBCOMMITTEE REPORTS: NONE.

LEGISLATION FOR ACTION:

Resolution 12-75-R: Town of Franklin Net Metering Power Purchase Agreement Authorization: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.** **DISCUSSION:** Mr. Nutting explained the assessors wanted wording changed from “Payment In Lieu of Taxes Agreement” to “Taxes Agreement”. This resolution makes the wording change. **MOTION** by Councilor Powderly to move Resolution 12-75-R **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 12-85: Technology – Consulting - \$25,000: Councilor Pfeffer read the resolution to transfer \$25,000 from Free Cash to fund consulting services in the Technology FY2013 Budget. **MOTION** by Councilor Pfeffer to move Resolution 12-85 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained due to State school requirements, more staff and time has to be devoted to technology. The Town will devote \$25,000 and the School Department will hire the necessary staff. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 12-86: Health Insurance Payroll Withholdings Account - \$129,000: Councilor Pfeffer read the resolution to transfer \$129,000 from Free Cash to fund the overcharge to the Health Insurance Payroll Withholding Account. **MOTION** by Councilor Pfeffer to move Resolution 12-86 **SECONDED** by Councilor Jones. **DISCUSSION:** Comptroller Susan Gagner explained this resolution corrects an error that occurred in FY2012. The portion of employees’ health insurance premium that the Town subsidizes was charged to the Payroll Withholding Account instead of being charged to the Town’s Appropriation. Mr. Nutting said the employees paid the correct amount, there was just an accounting error. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 12-87: Kensington Estates - \$37,522: Councilor Pfeffer read the resolution to transfer \$37,522 from the Forfeited Performance Bond Account to the Kensington Estates Account to complete roadwork and related infrastructure work. **MOTION** by Councilor Pfeffer to move Resolution 12-87 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the original developer of a 4-lot subdivision located off of Beech Street had begun roadwork and then sold the land to a second developer who went bankrupt before the roadwork was completed. This resolution would allow the Town to recover money from the Bond to finance the completion of the roadwork by the DPW. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 12-88: Acceptance of Gift – Recreation: Councilor Pfeffer read the resolution to accept the generous donation of \$250 from Richard and Rena Hertzberg to the Recreation Department. **MOTION** by Councilor Jones to move Resolution 12-88 **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 12-695: Chapter 185, Section 31 - Site Plan and Design Review – 1st Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.** **DISCUSSION:** Mr. Nutting requests the amendment be “tabled” until the next meeting. **MOTION** by Councilor Jones to “TABLE” Zoning Bylaw Amendment 12-695, Zoning Bylaw Amendment 12-696 and Zoning Bylaw Amendment 12-697 **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting referring to the Council's opening statement thanked the everyone on staff, including Maureen Sabolinski who sent out notices in an effort to inform the Town and parents on the School Department's plans to address the tragedy at Sandy Hook Elementary School. ► Mr. Nutting wished everyone a safe & happy holiday and reminded everyone to help out those who are less fortunate.

OLD BUSINESS: ► Councilor Roy said he met with representatives from National Grid. National Grid now has an action plan and will be working with Mr. Nutting in the next couple of months with follow-up plans.

NEW BUSINESS: ► Councilor Powderly inquired about the possibility of allowing residents to pay bills directly from their bank accounts. Mr. Nutting said Treasurer/Collector Jim Dacey is in the process of setting up direct payment and expects a system to be in place by the next fiscal year.

COUNCILOR COMMENTS: ► Councilor Roy thanked Chairman Vallee and Councilor Powderly for preparing the statement read at the beginning of the meeting. Councilor Roy said he will be sworn in on January 2, 2013 and will be attending a meeting that same afternoon on school safety. Councilor Roy wished everyone a happy holiday. ► Councilor Bissanti echoed Mr. Nutting's sentiments regarding how well the School Department reacted to the tragedy at Sandy Hook in an effort to reassure the Town's students and parents. ► Councilor Jones said he appreciated the letter penned by Chairman Vallee and Councilor Powderly. Councilor Jones said he felt comfort from the Town of Franklin, Franklin's teachers, principals and administration as they go out of their way every single day to make sure the children are safe. Councilor Jones wished everyone a Merry Christmas. ► Councilor Pfeffer said former Representative Jim Vallee did a great job for Franklin and wished everyone a Merry Christmas and Happy New Year. ► Councilor Powderly requested an update from Mr. Nutting on funding status for Fuel Assistance. Mr. Nutting said Fuel Assistance funds are okay at this time. Councilor Powderly reflected on the Friends of Franklin wrapping party experience. Councilor Powderly wished everyone happy holidays and Happy New Year. ► Councilor Dellorco thanked Chairman Vallee and Councilor Powderly for preparing the Council statement read at the beginning of the evening's meeting and wished everyone happy holidays. ► Councilor Mercer wished everyone a safe and happy holiday. ► Chairman Vallee wished everyone a Merry Christmas.

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 Jones. **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 8:11PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary