

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
April 3, 2013**

A meeting of the Town Council was held on Wednesday, April 6, 2013 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: Stephan Semerjian; Chief of Police.

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 6, 2013 Regular Session MOTION by Councilor Powderly to move approval of minutes **SECONDED** by Councilor Kelly. **CORRECTION:** Resolution 13-09 was read by Councilor Pfeffer, not Councilor Powderly as reported. **Vote to Approve as Amended: Yes-8, No-0, Absent-1.**

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

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: ► Steve Derdarian, Paul Picillo, Mike Ippoliti and Diane Martin all of Regent Circle each spoke about the poor condition of Regent Circle and called for the road to be repaved as soon as possible. Chairman Vallee stated the Council could not comment during this portion of the Meeting, but would comment on this issue during the “New Business” portion of the Meeting. ► Wendy Jenkins and Lauren Chousa both of Conlyn Avenue each commented on the dangerousness of the BJ’s intersection. Jennifer (no last name or address given) spoke about a recent automobile accident she and her 8-month-old son were involved in at the BJ’s intersection. All three citizens called for the installation of a traffic light at the intersection.

APPOINTMENTS: NONE. HEARINGS: NONE.

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS: NONE.

SUBCOMMITTEE REPORTS: NONE.

LEGISLATION FOR ACTION:

Resolution 13-21: Acceptance of Real Estate Payment Agreement Between Town and Franklin Community Cable Access, Inc., Re: Property at 23 Hutchinson Street: Councilor Pfeffer read the resolution to accept the “Real Estate Tax Payment Agreement, re: Property at 23 Hutchinson Street”, with Franklin Community Cable Access, Inc. and authorized the Town Administrator to execute the agreement on Town’s behalf. **MOTION** by Councilor Powderly to move Resolution 13-21 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained he was able to negotiate payment in lieu of taxes from the tax-exempt Franklin Community Cable Access, Inc. Mr. Nutting said the payment would help offset the taxes that could potentially have been collected from the site. Councilors Powderly and Kelly spoke in support of the arrangement. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-22: Long Range Financial Planning Process: Councilor Pfeffer read the resolution to

accept the recommendations of the Joint Budget Sub-Committee and directs the Town Administrator to follow the recommendations to issue the first annual report. **MOTION** by Councilor Powderly to move Resolution 13-22 **SECONDED** by Councilor Mercer. **DISCUSSION:** Doug Hardesty who was chair of the disbanded Long Range Financial Planning Committee explained the necessity for the Town to have a formal long range financial planning process whereby the Town would be mandated to have a 5 year outlook of upcoming challenges and plans or steps to meet these challenges, which is necessary to safeguard the Town's financial future. ► Councilor Powderly spoke in support of the resolution and thanked Mr. Hardesty, Committee volunteers, School Committee, and former Councilors who sat on the Long Range Financial Planning Committee. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-23: Appropriation – Town Clerk – \$12,400 (Poll Workers \$9,000 & Expenses \$3,400): Councilor Pfeffer read the resolution to transfer \$12,400 from Free Cash to the Town Clerk's Poll Workers and Expenses Budgets to provide funds to pay costs associated with two special elections. **MOTION** by Councilor Pfeffer to move Resolution 13-23 **SECONDED** by Councilor Jones. **CORRECTION:** Mr. Nutting said the resolution needed to be amended to include the cost of a file cabinet necessary to store voting records. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Jones to move Resolution 13-23 as Amended **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-706: Chapter 185 Zoning Map – Changes to Adult Use Overlay District – Referral to Planning Board: Councilor Pfeffer read the zoning bylaw amendment to modify the overlay zoning district known as the Adult Use Overlay District. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-706 referral to the Planning Board **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained this bylaw and the next bylaw are technical corrections, which delineates the Adult Use Overlay District. Councilor Powderly asked for clarification of the indicated area on the map allowing adult entertainment when there is a childcare facility also in the same area. Mr. Nutting and Mr. Cerel said the map identifies the areas adult businesses can operate. During the application process of an adult entertainment business, the area would be evaluated and if there were a childcare facility within the prescribed distance, an adult entertainment business would be barred. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-707: Chapter 185, Section 47 – Adult Entertainment Establishment Districts – Referral to Planning Board: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-707 referral to Planning Board **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-708: Chapter 185, Section 3 – Definitions – Referral to Planning Board: Councilor Pfeffer read the zoning bylaw amendment to add definitions for Medical Marijuana Testing Facility and Medical Marijuana Treatment Center to the Code of the Town of Franklin. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-708 to referral to the Planning Board **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained this bylaw amendment and the next two bylaw amendments relate to the new medical marijuana laws. The amendments allow medical marijuana facilities to locate in the Adult Use Overlay District. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-709: Chapter 185, Section 4 – Districts Enumerated, Re: Medical Marijuana Use Overlay District – Referral to Planning Board: Councilor Pfeffer read the Zoning Bylaw Amendment to delete and add text to the Code of the Town of Franklin. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-709 referral to Planning Board **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-710: Chapter 185, Section 5 - Zoning Map, Re: Medical Marijuana Use Overlay District – Referral to Planning Board: Councilor Pfeffer read the zoning bylaw amendment to create an overlay zoning district to be known as the Medical Marijuana Use Overlay District. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-710 to Planning Board **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-711: Chapter 185, Section 7 – Compliance - Code of The Town of Franklin – Referral to Planning Board: Councilor Pfeffer read the zoning bylaw amendment to allow the Medical Marijuana Use Overlay District. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-711 referral to Planning Board **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained to those attending the meeting the reason there are so many bylaw changes related to Medical Marijuana. The Planning Board will review the bylaws, there will be a public hearing and will then be read twice by the Council before any changes can be made to the bylaw, so there will be plenty of opportunity for discussion on the proposed changes. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-712: Chapter 185, Section 49 – Medical Marijuana Use Overlay District – Referral to Planning Board: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-712 referral to Planning Board **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting discussed possible dates to hold the Annual Budget Hearing.

OLD BUSINESS: NONE.

ARRIVAL: Councilor Roy arrived at 8:00PM.

NEW BUSINESS: ► Mr. Nutting described how the Town’s roads are rated and where Regent Circle falls on a list of the Top 20 Worst Roads Report. Mr. Nutting went on to discuss how the Town determines when a road will be repaired and the difficulty the Town faces both with lack of funds and manpower to make the necessary repairs to many of the Town’s roadways. Mr. Nutting said temporary repairs could be made to Regent Circle, but total reconstruction of the roadway would be done when funds and manpower are available. ► Mr. Derdarian stated the previous temporary repair work on Regent Circle was of low quality and requested a professional firm complete the temporary repairs and the Town complete the road reconstruction as soon as possible as the road is a disgrace, is dangerous and devalues the homes located in the area. ► Councilor Pfeffer said the Town is aware of the roads that are in need of repairs, but does not have the funds to make the repairs. ► Chairman Vallee said the Council would monitor the roadway situation, and Mr. Nutting said he would follow up on Regent Circle. ► Mr. Nutting addressed another concern raised during the Citizen Comment portion of the Meeting. Mr. Nutting said the State is responsible for the portion of Route 140 where the BJ’s intersection is located. Mr. Nutting said previous traffic studies indicated there was not enough traffic to warrant a traffic light at the intersection, but said maybe BJ’s would be willing to install a speed bump to slow down traffic coming from BJ’s, and the Town could look into placing a 4-way stop sign at the intersection. ► Area residents stated they are very concerned more accidents will occur once the proposed gas station and medical building are constructed in the area. ► Mr. Nutting agreed to get back to the area residents regarding any changes to the intersection. ► Councilor Roy stated as a State Representative, he would open an investigation and the area resident’s concerns will be addressed. ► Councilor Bissanti announced families of veterans who would like flags put up for a veteran’s funeral can contact Bob Fahey; Veteran’s Agent at the Senior Center for information.

COUNCILOR COMMENTS: ► Councilor Mercer provided an update on the New High School Project. Councilor Mercer said there would be another 3-4 weeks of steel erection, and brickwork will begin in the next 30 days. Councilor Mercer also read a letter from a Franklin resident who received emergency care from Franklin paramedics and firefighters during a snowstorm. The letter detailed the heroic effort the paramedics and firefighters provided that saved the resident's life. ► Councilor Dellorco assured the residents of Regent Circle and the area residents of the BJ's intersection that he would follow through with their concerns. ► Councilor Powderly suggested the Capital Budget Subcommittee look at increasing funds for roads. ► Councilor Jones thanked the residents for coming out to discuss their concerns, and let them know the Council is listening. Councilor Jones encouraged other residents to let the Council know of their concerns as well. Councilor Jones announced the Franklin Downtown Partnership has upcoming events planned and to visit the group's website for information. ► Councilor Bissanti stated it was frustrating to be unable to easily correct road conditions. ► Councilor Roy thanked Councilor Mercer for sharing the letter from the resident who thanked the Fire Department. ► Chairman Vallee asked Mr. Nutting about road repair funding. Mr. Nutting said road funding is difficult because the Town cannot gauge how much funding will be available from the State from one year to the next. In addition, the rules governing borrowing funds for roads can be prohibitive.

EXECUTIVE SESSION: Chairman Vallee said the Town Council would go into Executive Session to discuss strategy for collective bargaining and 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 strategy for collective bargaining and real property and not to resume Open Session **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: 9 – 0 – 0 Unanimous.**

The Regular Session of the meeting ended at 8:25PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary