

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
April 24, 2013**

A meeting of the Town Council was held on Wednesday, April 24, 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, Robert Vallee. Councilors absent; Jeff Roy. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator, Mark Cerel; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator. Other officials present: Michael D'Angelo; Facilities Director, Brutus Cantoreggi; DPW 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: *February 13, 2013 and March 27, 2013 Regular Session.* **MOTION** by Councilor Powderly to move approval of minutes **SECONDED** by Councilor Kelly. **VOTE to Approve: 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. The meeting may also have been recorded by Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: Regent Circle residents Steve Derdiarian and Earl Martin appealed to Council to repave Regent Circle as soon as possible. Mr. Derdiarian stated he and another Regent Circle resident surveyed the other roads listed on the 'worst 24 roads needing repair' in Franklin and determined Regent Circle should be moved up to Number 7 on the list. Mr. Derdiarian suggested the Town include in the annual budget funds for road repairs so as to prevent roads from deteriorating to the current condition of Regent Circle. Mr. Nutting agreed to discuss this issue during the 'New Business' portion of the evening's meeting.

APPOINTMENTS: NONE.

HEARINGS: **7:10PM**

1. *Zoning Bylaw Amendment 13-701: Changes to Chapter 185, Section 3 – Definitions*
2. *Zoning Bylaw Amendment 13-702: Changes to Chapter 185, Section 36 – Impervious Surfaces*
3. *Zoning Bylaw Amendment 13-703: Changes to Chapter 185, Section 40 – Water Resource District*
4. *Zoning Bylaw Amendment 13-704: Changes to Chapter 185, Attachment 9 – Schedule of Lot, Area, Frontage, Yard and Height Requirements*
5. *Zoning Bylaw Amendment 13-705: Changes to Chapter 185, Section 5 – Zoning Map*

MOTION by Councilor Powderly to open the public hearing **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to continue Zoning Bylaw Amendment 13-701, Zoning Bylaw Amendment 13-702, Zoning Bylaw Amendment 13-703, Zoning Bylaw Amendment 13-704 until May 15, 2013 **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** **DISCUSSION:** Mr. Nutting explained the Planning Board held a public hearing but did not close the public hearing. So postponing the Council Hearing until May 15, 2013 would give the Planning Board an opportunity to hold another meeting in order to make a recommendation to the Council.

► Councilor Pfeffer read Zoning Bylaw Amendment 13-705, which would change an area of approximately 2.21 acres of land from Single Family III to Business. **DISCUSSION:** Mr. Nutting said the Planning Board held a public meeting on Monday and said the Planning Board supported the proposed

change. Councilor Jones said the Economic Development Committee unanimously supported the zoning change. **MOTION** by Councilor Mercer to close the Hearing **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-705 to a 1st Reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS:

Facilities Director – Mike D’Angelo - Old Municipal Building: Mike D’Angelo and Mr. Nutting provided a brief history of the Old Municipal Building which currently houses the Recreation Department. At issue is what should be done with the building now that it has minimal occupancy and has major deficiencies. Mr. D’Angelo stated the building’s entrance ramp system and stairs do not properly line up, the brick work needs to be repointed, the elevator, stairways, door handles and drinking fountains are not to code, the windows are not energy efficient and are difficult to open and finally the ventilation system does not provide enough fresh air to the building. Mr. D’Angelo said the estimated cost to rehabilitate the building is \$2.25 million. Mr. Nutting offered a few options for the building and property which included leasing the building, selling the building and demolishing the building. Several Councilors questioned why the Facilities Director had not notified the Council or the Capital Committee of the deteriorating condition of the building. Mr. Nutting, Mr. D’Angelo and the Councilors discussed why the decision was made to discontinue making repairs to the building. Mr. D’Angelo’s recommendation was to demolish the building. Mr. Nutting said the immediate plan was to find an alternate location for the Recreation Department. Council members asked about other hidden building dangers such as mold and asbestos. No decision was reached regarding the building’s future, but several Councilors were considering demolishing the building. Councilors Pfeffer and Mercer requested the Facilities Director provide an updated list of needed repairs of all Town owned property.

Facilities Director – Mike D’Angelo – Jefferson School: Mr. D’Angelo said the Town has a signed contract with Russo Barr Associates, Inc. Russo Barr Associates Inc. has completed a roofing and ventilation system plan, proposed bids are due back by May 9, 2013 and the project will be brought before the Council on May 15, 2013. Several Councilors inquired about possible mold in the school and if all of the roof leaks have been identified. Councilors Kelly and Mercer requested for the second time the Facilities Director provide the Council with all work orders for at least the last 3 months.

DPW Director – Brutus Cantoreggi: Mr. Cantoreggi provided an overview of projects the DPW is currently working on or will be working on through 2015. Projects included water system improvements such as replacing waterlines and improving storm water drainage on Lincoln and Daniels Streets, as well as streets located in smaller subdivisions. The DPW will clean water tank interiors and install agitators in an effort to reduce the amount of bacteria in the water tanks. The department is currently involved in the reconstruction of several streets in the downtown area, the reconstruction of the DelCarte Property Dam and improvements to the Recycling Center. Future projects include adding a sidewalk on the Police Station side of Panther Way, a left turn lane on Route 140 at Panther Way, culvert work on Oxford Drive, an improved pedestrian crosswalk with signal on Washington Street at the Parmenter School, the demolition of the old DPW and the construction of the new DPW. Mr. Cantoreggi confirmed mosquito control is conducted by Norfolk County and under revised Federal guidelines; new street signs will include capital and lowercase letters. Mr. Cantoreggi explained the DPW planned to put permanent patch work on Regent Circle within the next 60 days and said more road work could be completed but there are limited funds available for needed road work.

SUBCOMMITTEE REPORTS: NONE

LEGISLATION FOR ACTION:

Resolution 13-24: Authorization for Town Administrator to Execute MASS DOT Land Damage Agreement in Connection with Route 140 Improvements: **MOTION** by Councilor Pfeffer to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Resolution 13-24 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained

this is just an easement to allow the State to maintain the traffic light, which was installed in front of the Big Y supermarket located on Route 140. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-29: Authorization to Sign Amended Regulatory Agreement - Meadowbrook Heights: 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 Resolution 13-29 **SECONDED** by Councilor Jones. **DISCUSSION:** Ms. Kinhart and Mr. Nutting explained this resolution allows the location of three designated affordable units to be swapped for three market rate units. The reason for the “swap” is at this time, there are only buyers for the market rate units and no buyers for the designated affordable units. The resolution stipulates the developer must complete construction of the affordable units prior to building the market rate units. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Bylaw Amendment 13-700: Amendment of Service Fees: Chapter 82, Appendix A – Solid Waste and Recycling – 2nd Reading: Councilor Pfeffer read the bylaw amendment to increase the annual curbside trash fee by \$8.00. MOTION by Councilor Powderly to move Bylaw Amendment 13-700 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the Town has a large increase in cost due to inflation. The fee increase will cover some of the additional cost, with the balance of increased cost coming from reserves. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Absent, Vallee-Yes. VOTE to Approve: 8– 0 – 1 Unanimous.**

Zoning Bylaw Amendment 13-701: Chapter 185, Section 3 – Definitions: MOTION by Councilor Jones to TABLE Zoning Bylaw Amendment 13-701 until May 15th **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-702: Chapter 185, Section 36 - Impervious Surfaces: MOTION by Councilor Jones to TABLE Zoning Bylaw Amendment 13-702 until May 15th **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-703: Chapter 185, Section 40 – Water Resource District: MOTION by Councilor Jones to TABLE Zoning Bylaw Amendment 13-703 until May 15th **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-704: Chapter 185, Attachment 9 – Schedule of Lot, Area, Frontage, Yard and Height Requirements: MOTION by Councilor Jones to TABLE Zoning Bylaw Amendment 13-704 until May 15th **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-705: Chapter 185, Section 5 – Zoning Map – 1st Reading: Councilor Pfeffer read the zoning bylaw amendment to change from Single Family III to Business an area containing approximately 2.21 acres. MOTION by Councilor Powderly to move Zoning Bylaw Amendment 13-705 to a 2nd Reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting stated the Budget Hearings would take place on May 15th and May 16th, and the Budget Packets were available and if any councilors had questions they should contact his office. ► Mr. Nutting reminded folks Earth Day is coming up and encouraged people to participate. ► Mr. Nutting said he had received phone calls the previous week from citizens asking why all Town flags were not lowered to half-staff in light of the recent Marathon Bombing. Mr. Nutting explained the protocol for lowering the flags, and said according to the Governor’s Office email, only the flags located at the main or administrative town buildings were ordered to be lowered. ► Mr. Nutting said the DPW will be making repairs to Regent Circle, and that a dedicated override for road repairs would be the way to ensure funding for the maintenance of Town roads.

OLD BUSINESS: Councilor Jones reiterated the need for the Facilities Director to provide the list of needed

repairs to the Council as soon as possible.

NOTE: *Councilor Mercer departed the meeting.*

NEW BUSINESS: ► **Regent Circle** resident Steve Derdiarian spoke about the need to have the road reconstructed, citing safety and aesthetic concerns. Mr. Nutting and Mr. Cantoreggi explained the process by which roadways are selected for reconstruction. Mr. Nutting said he would have more information regarding when Regent Circle would be reconstructed once the Master Water Plan is completed, which is expected by year's end. Mr. Nutting and Mr. Cantoreggi said Regent Circle would be repaired within the next 60 days making the road safe until the road could be reconstructed. Several Councilors spoke about the need to have additional funding to support road reconstruction and repair work on Franklin's 168 miles of roadways. Chairman Vallee invited Mr. Derdiarian to come back to the Council to report how the road is once the repair work is completed. ► **Old Town Hall** – Chairman Vallee inquired about the next step for the building. Mr. Nutting suggested the issue be referred to the Economic Development Committee to gather information and alternatives for the building. ► **CSX Property** – Chairman Vallee inquired about the land owned by CSX located on the corner of Union and Cottage Streets. Mr. Nutting said he will make one more attempt to contact CSX in order to have the company improve the appearance of the property. Mr. Nutting suggested the Town might have more success getting the company to make improvements by enlisting the aid of an elected representative.

COUNCILOR COMMENTS: ► Councilor Dellorco expressed condolences to the victims of the Marathon Day bombing and shared a conversation he had with Boston police officers who were grateful for the fine job the Metro Swat Team did to assist in the events of that week. ► Councilor Powderly wished Bob Fahey a speedy full recovery. Councilor Powderly thanked and said she was proud of all the first responders, volunteers, public safety officers and everyone who assisted those injured during the Marathon Day bombing. ► Councilor Bissanti commended all those who helped during and after the Marathon Day bombing. ► Councilor Jones sent prayers to all those affected by the Marathon Day bombing and thanked the Watertown Police Department for the work they did during the post Marathon Day bombing events. ► Councilor Pfeffer congratulated the Cultural Council on their Award Ceremony at the new Historical Building. ► Chairman Vallee inquired about the staffing levels at the Facilities Department. Mr. Nutting said all areas of Town staffing have been reduced due to budget constraints. Mr. Nutting said the Facilities Department works with less staff and more square footage than it did in past years and supported Mr. D'Angelo's efforts to maintain Town owned buildings. Chairman Vallee asked for an update on the Solar Farm. Mr. Nutting said tree work was done that same day.

ADJOURN: MOTION by Councilor Powderly to adjourn **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-7, No-0, Absent-2.** Meeting adjourned at 9:15PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary