

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
August 7, 2013**

A meeting of the Town Council was held on Wednesday, August 7, 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. Administrative personnel absent: Maxine Kinhart; Assistant to the Town Administrator. Other officials present: Robert Cantoreggi; Director of Department of Public Works, Jim Dacey; Treasurer-Collector, Gary McCarraher; Fire Chief.

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: *May 8, 2013, May 15, 16, 2013 Budget Hearings* **MOTION** by Councilor Powderly to move approval of minutes **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

ADDITION TO AGENDA: **MOTION** by Councilor Bissanti to add **Zoning Bylaw Amendment 13-718: Changes to Chapter 185, Section 7. – Compliance Required* to the August 7, 2013 Agenda. **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

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 be recorded by Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: ► Lawrence Benedetto spoke on behalf of the Citizens Committee regarding two initiatives. One initiative was for the Town to assume ownership of the Depot Street Train Station, and the second initiative was for the Town to acquire 21 acres of land located to the left of the Recycling Center on Beaver Street. Both initiatives will be discussed at a future Council Meeting. ► Richard Cornetta introduced Roy MacDowell of Baystone Development and Todd MacDowell. **MOTION** by Councilor Bissanti to waive the residency rule as they pertain to the Citizen’s Comments segment of the Council Meeting **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9, No-0, Absent-0.** Roy MacDowell inquired about the Town owned Pond Street property and whether the property was available for sale. Chairman Vallee said the property could be discussed during the “New Business” segment of the Meeting.

APPOINTMENTS: *Paul Harrington – Conservation Commission:* **MOTION** by Councilor Pfeffer to ratify the appointment of Paul Harrington of 18 Ray Hill to the Conservation Commission **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting said there were three more vacancies on the Commission. Anyone interested in joining the Commission should contact the Town. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Rev. Bob Johnne – Cultural Council: **MOTION** by Councilor Pfeffer to ratify the appointment of Rev. Bob Johnne of 20 Veteran’s Memorial Drive #200 to the Cultural Council **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Election Workers: **MOTION** by Councilor Pfeffer to ratify the appointment of the list of names submitted by the Town Clerk **SECONDED** by Councilor Jones. **DISCUSSION:** Councilor Roy said one of the proposed Election Workers no longer resides in Franklin. **MOTION** by Councilor Pfeffer to remove Alexandra Yurgenson from the Election Worker list **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9,**

No-0, Absent-0. VOTE to Approve the Amended Election List: Yes-9, No-0, Absent-0.

HEARINGS: *Violation of M.G.L. Chapter 138, Section 34: Sale, Delivery or Furnishing of an Alcoholic Beverage to a Person under the Age of 21:* Mr. Nutting said the Hearing was postponed until September 4, 2013. **MOTION** by Councilor Mercer to postpone the Hearing until September 4th **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 13-718: *Changes to Chapter 185, Section 7 – Compliance Required: **MOTION** by Councilor Jones to postpone the Hearing until September 4th **SECONDED** by Councilor Dellorco. **VOTE to Approve: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS: *Department of Public Works* – Robert Cantoreggi; Director of Department of Public Works introduced DPW department heads and presented the Council with an overview of road conditions in Franklin. All Town roads were rated last year by an outside consulting firm, with the Town receiving a rating of 77 overall. Mr. Cantoreggi said the Town’s goal is to raise the rating to 80+. Mr. Cantoreggi outlined the difficulty of maintaining the Town’s roads because of limited funding. The funding from Chapter 90, which entitles municipalities to reimbursement of documented expenditures on approved projects varies from year to year. The Town has appropriated funding for road repairs as well, but the appropriation amount is directly tied to the economy – again, this source of funding fluctuates from year to year. Mr. Cantoreggi said the amount of needed road repairs far exceeds the amount of funding available from either the State or the Town. If there is no other source of funding, the Town’s roads will continue to deteriorate. Mr. Cantoreggi’s presentation included the possibility of requesting a dedicated override to fund needed reconstruction and repair work to the Town’s roads. With 2.3 million dollars, the Town could achieve an 80 rating within five years, barring emergencies or severe storm damage, or new regulations. ► Councilor Pfeffer and Chairman Vallee asked specifically about the reconstruction of Winterberry Drive. Mr. Cantoreggi said a portion of the road collapsed and needed to be reconstructed even though the subdivision road was relatively new. ► Chairman Vallee inquired about reimbursement for snow removal for this past winter. Mr. Cantoreggi said he believed the Town would receive approximately \$175,000 in FEMA Grants for last winter’s storms. ► Councilor Kelly asked about the width of roads, specifically were new roads in compliance with new Stormwater rules. Mr. Cantoreggi said subdivision roads were being reduced from 30-32 feet wide to 24-26 feet wide when the subdivision roads are reconstructed. Reductions in subdivision road and cul-de-sac sizes reduce the construction costs as well as the maintenance costs associated with sand and salt treatment in the winter. ► Councilor Powderly supported making appropriation commitment to roads and would consider a dedicated override to fund roadwork. ► Councilor Roy discussed Chapter 90 funding and said if the Governor releases the remaining \$200 million dollars of the \$300 million dollars allocated to Chapter 90 funding by the Legislature, the Town would receive \$450 thousand dollars for roadwork. Councilor Roy said he would not support a dedicated override at this point. He said with the economy as it is, he would like to see how the Chapter 90 funding goes and revisit the subject when the Town has a better idea of what the actual funding necessary is. ► Councilor Bissanti reviewed the history of subdivisions constructed during the 1980s and early 1990s, which are the roads that will increasingly require reconstruction because “core” and “compression” testing of the roads were not done during that time period. ► Mr. Nutting reiterated the question at the moment is how will the Town continue to fund road projects. A 1 million dollar override would cost the average taxpayer \$88 dollars a year in FY13. Without adequate funding, resident complaints will increase and the Town will have a crisis. The Council thanked Mr. Cantoreggi and the DPW staff for their work on the presentation.

SUBCOMMITTEE REPORTS: *Senior Outreach Committee* – Councilor Powderly said the subcommittee had met earlier in the evening and had a couple of proposals that should be ready for Council presentation during the September Council Meeting.

LEGISLATION FOR ACTION:

Resolution 13-57: Submittal to Town Clerk of Final Form of Ballot Question, Re: Proposed Charter Amendment Changing Treasure-Collector from Elected to Appointed Position: Councilor Pfeffer read the resolution to add the ballot question for the November 5, 2013 local general election, the question of whether to eliminate the provision for election of the Town Treasurer-Collector and add a provision for appointment of the Town Treasurer-Collector by the Town Administrator, with input from a selection committee and ratification by the Town Council. **MOTION** by Councilor Jones to move Resolution 13-57 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Cerel said this ballot question is similar to a Proposition 2 ½ ballot question as far as the statute language. A copy of the ballot question is required to be mailed to all registered voters. ► Jim Dacey; Treasurer-Collector spoke in support of the ballot question and in favor of appointing future Treasurer-Collectors. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-58: Intermunicipal Agreement for Regional Public Safety Communications and Dispatch Center: Councilor Pfeffer read the resolution to approve the “Agreement by and Among the Towns of Franklin, Norfolk, Plainville, and Wrentham for a Regional Public Safety Communications and Dispatch Center”. **MOTION** by Councilor Powderly to move Resolution 13-58 **SECONDED** by Councilor Mercer. **DISCUSSION:** Gary McCarraher; Fire Chief urged the Council to support the Regional Dispatch Center as it will provide services better, cheaper and faster. Councilor Roy also urged Council support for this resolution. The Dispatch Center will be located in Wrentham and will give the Town the opportunity to have a state of the art facility with the best technology and a dedicated full time dispatch staff. Mr. Nutting thanked Representative Roy for getting the legislation allowing the Regional Dispatch Center passed by both branches of government and signed by the Governor when it had previously lingered. Mr. Nutting estimated the Regional Dispatch Center would open in approximately 18 months. **VOTE to Approve: Yes-9, No-0, Absent-0.**

NOTE: Councilor Bissanti recused himself from discussion on Resolution 13-59 due to a conflict of interest.

Resolution 13-59: Authorization to Sign Amended Regulatory Agreement: **MOTION** by Councilor Jones to waive the reading **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-8, No-0, Absent-0, Recused-1.** **MOTION** by Councilor Powderly to move Resolution 13-59 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained the original developer in 2005 had agreed to construct 127 condominium units, with 45 units designated as affordable. The subsequent downturn in the economy affected the project, and the original developer went into bankruptcy. The current developer of the project would like to renegotiate the number and price of affordable housing units in one garden style building. The developer would like to reduce the number of affordable housing units in the building from 7 to 4 units, and to reduce the price from \$163,000 to \$149,000. Mr. Nutting said he supported the amended regulatory agreement, as it will serve the interest of the Town and the folks who want to purchase an affordable unit. ► Councilor Powderly inquired whether the change of affordable housing units had gone before the Zoning Board of Appeals. Richard Cornetta, who spoke on behalf of Merion Corporation, said the Zoning Board of Appeals approved the amendment. **VOTE to Approve: Yes-8, No-0, Absent-0, Recused-1.**

Resolution 13-60: Acceptance of Gift – Town of Franklin: Councilor Pfeffer read the resolution to gratefully accept the \$5,250 from Petroleum Engineering, Inc. to be used for sidewalks at the new Stop & Shop Gas Station. **MOTION** by Councilor Powderly to move Resolution 13-60 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting clarified the donation will not be used for a sidewalk in front of the new gas station, but rather to construct a sidewalk farther down the road on West Central Street. **MOTION** by Councilor Powderly to amend Resolution 13-60, striking “at the new Stop & Shop Gas Station” and inserting “West Central Street” **SECONDED** by Councilor Jones. **VOTE to Approve Amended Language: Yes-9, No-0, Absent-0. VOTE to Approve Resolution as Amended: Yes-9, No-0, Absent-0.**

***Zoning Bylaw Amendment 13-718: Changes to Chapter 185, Section 7 – Compliance Required – 2nd**

Reading: MOTION by Councilor Mercer to continue Zoning Bylaw Amendment 13-718 until September 4th
SECONDED by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting had two announcements. The first announcement was FEMA had released \$741,920 in grant money for the Town to hire four firefighters for the next two years. The grant money will cover both wages and benefits. Mr. Nutting thanked Mr. McCarraher for the work he did to obtain this important grant. The second announcement was last week the Town had sold 50 million dollars worth of bonds at a rate of about 4%. Forty-five million was for the New High School, and five million for water. The Town also maintained its Standard & Poor's bond rating.

OLD BUSINESS: NONE.

NEW BUSINESS: ► Councilor Powderly said she was pleased with the many proposals submitted by the Citizens Committee, but would like the Committee to expand their proposals to include public safety and education as these issues are also very important to the town. ► Councilor Pfeffer requested the last 5 years of total pay to ATC for each fiscal year. ► Councilor Jones invited anyone, including Baystone Development to present their ideas for the Pond Street property at the next Economic Development Committee(EDC) meeting on September 4th at 6PM. ► Richard Cornetta on behalf of Baystone Development provided each council member with a brochure detailing Baystone Development's accomplishments and said he would like to attend the next Economic Development Committee on September 4th. Chairman Vallee said the developer would need to be more specific about the type of development they envision for the Pond St. site. Councilors Mercer and Bissanti said they would prefer the developer get a recommendation from the EDC before going before the Council.

COUNCILOR COMMENTS: ► Councilor Mercer announced two Building Committee meetings. The first meeting is scheduled for August 19th at 6:30PM in the Training Room and will include a presentation by the architects hired to evaluate Davis Thayer Elementary School and their recommendations for the school. The second meeting is an informal hearing scheduled for August 21st at 7:00PM in Council Chambers and will provide an update on the next phase of traffic pattern, parking and overall update on the high school. ► Councilor Powderly thanked Fire Chief Gary McCarraher for his work on successfully obtaining the grant to hire four firefighters, and for the intermunicipal agreement. ► Councilor Pfeffer said the new wrought iron fence installed around Dean College was a nice improvement. Councilor Pfeffer congratulated the Police Department and Rick's for partnering and giving children riding bikes with helmets free ice cream cones. Councilor Pfeffer thanked State Representative Roy for getting the Regional Dispatch Center legislation passed; which was State Representative Roy's first legislation passed. ► Councilor Jones invited anyone interested in offering the Economic Development Committee with ideas for development to contact the Committee. Councilor Jones also announced the Fight for Hunger Paintball Challenge scheduled for September 21st from 9-4 at Fox4 in Upton. All proceeds will benefit the Franklin Food Pantry. ► Councilor Roy announced the Master Plan Committee would hold a public hearing on August 10th at 10:00AM at the Library where the Committee hopes to obtain more comments from members of the public.

EXECUTIVE SESSION: MOTION by Councilor Pfeffer to go into Executive Session under Open Meeting Law Purpose Number Two; contract negotiations for non-union personnel to discuss the Town Administrator's contract with him and not reconvene at the conclusion of Executive Session. **SECONDED** by Councilor Powderly. **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 8:07PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary