

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
September 11, 2013**

A meeting of the Town Council was held on Wednesday, September 11, 2013 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Glenn Jones, Matt Kelly, Thomas Mercer, Judith Pfeffer, Tina Powderly, Jeff Roy, Robert Vallee. Councilors absent; Robert Dellorco. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator, Mark Cerel; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator. Other officials present: Stephan H. Semerjian; Chief of Police.

CALL TO ORDER: Chairman Vallee called the meeting to order at 7:00PM by asking for those present to remember the tragedy of September 11th, which was followed by a moment of silence and the Pledge of Allegiance.

APPROVAL OF MINUTES: June 5, 2013, June 19, 2013 Regular Session MOTION by Councilor Jones to approve all 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. Franklin Matters may also have recorded the meeting.

PROCLAMATIONS/RECOGNITIONS: Chairman Vallee presented Bob Dean with a proclamation honoring Mr. Dean's community involvement and service to Franklin. Mr. Dean recorded Town Council Meetings, as well as various other board and committee meetings for many years.

APPOINTMENTS: Claudine Silverman, Richard J. Tobin Jr. – Design Review: MOTION by Councilor Pfeffer to ratify the appointments of Claudine Silverman of 59 Skyline Drive and Richard J. Tobin of 12 Winter Street to the Design Review Commission **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Dayna Gill, Ravi Pendkar – Conservation Commission: MOTION by Councilor Pfeffer to ratify the appointments of Dayna Gill of 27 Winthrop Drive and Ravi Pendkar of 12 Longobardi Drive to the Conservation Commission **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-8, No-0, Absent-1.**

HEARINGS: Zoning Bylaw Amendment 13-718: Changes to Chapter 185, Section 7 – Compliance Required: MOTION by Councilor Powderly to open the Hearing **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** Mr. Nutting explained the amendment would reverse the current bylaw by allowing parking structures in the downtown area, and no longer allowing parking structures in neighborhoods. **MOTION** by Councilor Jones to close the Hearing **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

RECESS: Chairman Vallee called a three-minute recess at 7:07PM.

HEARINGS: Continued – 7:10PM

Violation of M.G.L. Chapter 138, Section 34: Sale, Delivery of Furnishing of an Alcoholic Beverage to a Person under the Age of 21 – Postponed to September 11, 2013: MOTION by Councilor Powderly to open the Hearing **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.** Councilor Roy recused himself from the Hearing. Chief Semerjian described the Friday June 28, 2013 compliance check conducted on 35 establishments. Of the 35 establishments with licenses to serve or sell alcohol, 28

establishments passed the compliance check, 6 establishments were closed and 2 establishments failed the compliance check. The police used a 19-year-old decoy, who when asked by an establishment, would produce identification indicating he was under 21 years of age.

Village Mall Liquors; 60 Franklin Village Drive – 1st Offense: Chief Semerjian described the compliance violation for Village Mall Liquors. The owner/manager Edward Garrity said he did not dispute the violation, and Chief Semerjian citing this was the first offense, recommended Village Mall Liquors have its license suspended for 3 days; 1 day to serve the same day of the week as the day the violation occurred and 2 days held in abeyance for 2 years. Mr. Garrity agreed to the penalty and said his business now “cards” 100% of its customers. **MOTION** by Councilor Jones to one day served, two days held in abeyance for two years to be served on Friday September 13, 2013 **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-7, No-0, Absent-1, Recused-1.**

Ichigo Ichie; 837 West Central Street – 2nd Offense: Chief Semerjian stated this was the restaurant’s second offense in just over one calendar year. John Brazilian, attorney representing the restaurant, stated the restaurant’s manager identified the compliance decoy as possibly under age 21 and alerted the three bartenders working that evening. Despite the manager’s efforts, a bartender still served the decoy after the decoy produced identification, which stated the decoy was in fact 19 years of age. Mr. Brazilian stated the restaurant had all 19 servers recertified/trained and had a license scanner installed, and requested a one-day liquor license suspension. Chief Semerjian recommended the standard penalty for a 2nd offense – 5 days with 3 days to serve, 2 days held in abeyance for 2 years. In addition, the 2 days held in abeyance from the previous offense be brought forward to be served consecutively – to bring the total days served to 5 days. Several councilors said they supported Chief Semerjian’s recommendation. **MOTION** by Councilor Powderly to approve five days served, two additional days held in abeyance for two years to begin on Friday September 20, 2013 **SECONDED** by Councilor Pfeffer. **VOTE to Approve: Yes-7, No-0, Absent-1, Recused-1.** **MOTION** by Councilor Powderly to close the Hearing **SECONDED** by Councilor Pfeffer. **VOTE to Approve: Yes-7, No-0, Absent-1, Recused-1.**

CITIZENS COMMENTS: Dennis Grillo was allowed 5 minutes to comment as he indicated he had a lot to talk about. Mr. Grillo said he wanted to talk about the Master Plan and was particularly concerned about an increase of traffic resultant from development in Franklin and along Interstate 495 and urged the Town to join other towns in a traffic study. Mr. Grillo spoke about the Town using taxpayer money to fund “green” initiatives and was concerned about taxes for future generations. Mr. Nutting said the Master Plan would be presented to the Council on September 25th and recommended Mr. Grillo attend that meeting to offer any suggestions he has.

LICENSE TRANSACTIONS: Residence Inn by Marriott-Franklin: Change of Manager: Mr. Nutting said the paperwork was in order. **MOTION** by Councilor Pfeffer to approve the application by Colwen Management, Inc. dba Residence Inn by Marriott-Franklin for a change of manager transaction with the manager to be Susan Perrothers **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-8, No-0, Absent-1.**

PRESENTATIONS/DISCUSSIONS: NONE.

SUBCOMMITTEE REPORTS: Economic Development Committee – Councilor Jones announced the next Economic Development Committee meeting is scheduled to be held on October 2nd at 6:00PM at the Old Town Hall. The discussion on the Pond Street property will be continued at this meeting.

LEGISLATION FOR ACTION:

Zoning Bylaw Amendment 13-719: Chapter 185, Attachment 9 – Schedule of Lot, Area, Frontage Yard and Height Requirements – Referral to Planning Board: Councilor Pfeffer read the zoning bylaw amendment to add Residential VII Zoning District to Chapter 185, Attachment 9. Councilors Mercer and Bissanti recused themselves from the zoning bylaw discussion and vote for this and the next four zoning bylaw amendments.

MOTION by Councilor Powderly to move Zoning Bylaw Amendment 13-719 Referral to the Planning Board **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained these amendments relate to the potential zoning change to East Central Street. The Planning Board has a Public Hearing scheduled for September 23rd, and then the zoning bylaw amendment will come back to the Council for a Public Hearing and First Reading. **VOTE to Approve: Yes-6, No-0, Absent-1, Recused-2.**

Zoning Bylaw Amendment 13-720: Chapter 185, Section 4 – Districts Enumerated – Referral to Planning Board: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-6, No-0, Absent-1, Recused-2.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-720 Referral to Planning Board **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-6, No-0, Absent-1, Recused-2.**

Zoning Bylaw Amendment 13-721: Chapter 185, Section 5 – Zoning Map – Referral to Planning Board: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-6, No-0, Absent-1, Recused-2.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-721 Referral to Planning Board **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-6, No-0, Absent-1, Recused-2.**

Zoning Bylaw Amendment 13-722: Chapter 185, Section 50 – Residential VII Zoning District – Referral to Planning Board: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-6, No-0, Absent-1, Recused-2.** **DISCUSSION:** Mr. Nutting said at the appropriate time there will be a few revisions to this zoning bylaw amendment. Councilor Pfeffer clarified Mr. Cerel reviews the Homeowners Association documents for Condominiums and said it appears redundant for the Town to use its resources to review these documents when the banks have already reviewed the same documents. Mr. Cerel said he looks for different issues than a bank would look at. Mr. Cerel said he reviews the maintenance schedule, snow removal policy and public safety. **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-722 Referral to Planning Board **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-6, No-0, Absent-1, Recused-2.**

Zoning Bylaw Amendment 13-723: Chapter 185, Use Regulation Schedule – Referral to Planning Board: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-6, No-0, Absent-1, Recused-2.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-723 Referral to Planning Board **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-6, No-0, Absent-1, Recused-2.**

Zoning Bylaw Amendment 13-718: Chapter 185, Section 7 – Compliance Required – 1st Reading: Councilor Pfeffer read the zoning bylaw amendment to include additions and deletions to the bylaw. **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-718 to a 2nd Reading **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said the amendment would eliminate parking structures in all residential areas and allow parking structures in the downtown area. Councilor Pfeffer inquired how this amendment affects the proposed parking lot located behind the Post Office. Mr. Nutting said the proposed parking lot behind the Post Office is allowed by right, and not affected by this amendment. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-61: Acceptance of Relocated Water Easement and Release (Abandonment) of Original Water Easement on Property at 34 Longfellow Drive: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Resolution 13-61 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Cerel said the original water main easement was on property that has subsequently been determined not to contain the water main. This resolution vacates the original easement, and adds an easement on the property where the water main is actually located. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-62: Local Acceptance of G.L. Chapter 60A, Section 1, Paragraph 8: Councilor Pfeffer read the resolution to allow a local acceptance statute which authorizes a municipality to exempt from excise tax the motor vehicle of a qualifying active and full-time military member. **MOTION** by Councilor Jones to move Resolution 13-62 **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-63: Local Acceptance of G.L. Chapter 60A, Section 9: Councilor Pfeffer read the resolution to allow a local acceptance statute which authorizes a municipality to defer any excise tax due under Chapter 60A by a member of the Massachusetts National Guard or the military reserve or his/her dependent while the military person is on active service outside the Commonwealth and for up to 180 days after completion of that service. **MOTION** by Councilor Jones to move Resolution 13-63 **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-64: Council on Aging – Outreach Coordinator - \$4,000: Councilor Pfeffer read the resolution to transfer \$4,000 from the Wage Settlement Account to the Council on Aging – Personal Services Account in order to increase hours of an Outreach Coordinator from 14 to 19. **MOTION** by Councilor Pfeffer to move Resolution 13-64 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained due to an increase in the number of Veteran cases, Bob Fahey no longer has adequate time to also serve as the Outreach Coordinator for the Senior Center. Senior Center Director Karen Alves has secured a grant to hire an Outreach Coordinator for 14 hours, and the additional \$4,000 proposed in this resolution would pay the Outreach Coordinator 5 more hours of work each week so much needed outreach can occur in the Senior community as well as for the general population. Councilor Powderly said the resolution was recommended by the Senior Outreach Committee and for \$4,000 would solve the situation of trying to take care of the Town’s seniors and veterans. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-65: Ratification of Town Administrator’s Contract: Councilor Pfeffer read the resolution to ratify the provisions of the Employment Agreement between the Town of Franklin and Jeffrey D. Nutting dated February 6, 2011 and effective for the period July 1, 2013 through June 30, 2018. **MOTION** by Councilor Powderly to move Resolution 13-65 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said the date should be changed from February 6, 2011, to September 04, 2013. **MOTION** by Councilor Powderly to move Resolution 13-65 As Amended to read September 4, 2013 **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-66: Authorization for Disposition (Sale) of Town-Owned Land (Vacant Parcel between Old West Central and West Central Streets): **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Resolution 13-66 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained a small parcel of land was authorized by the Council to be put up for sale. The Town has received a bid of \$101,500 – which is above the minimum, and Mr. Nutting recommended the sale. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 13-67: Order of Taking – Downtown Roadway Improvements: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Resolution 13-67 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said this resolution obtains the necessary easements in place on West Central and Main Streets for the on-going road work in the downtown area. **ROLL CALL: Bissanti-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes.** **VOTE to Approve: 8 – 0 – 1.**

Resolution 13-68: Citizen Committee: Councilor Pfeffer read the resolution requesting the Citizens Committee and the Town Administrator investigate what steps are needed to ensure the Downtown train station and the surrounding parking lot are kept in good repair. **MOTION** by Councilor Pfeffer to move Resolution 13-68 **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting sent out prayers to the Netto family for the recent passing of Don Netto, who served for many years on the Finance Committee and on the Disabilities Commission. ► Mr. Nutting said he received a lot of thanks for the recently installed pedestrian crossing light on King Street. Mr. Nutting thanked the DPW for a job well done. ► Mr. Nutting thanked School Facilities and the custodians for all the work completed over the shorter than usual summer vacation. ► The final components of the new roof on Remington Middle School will be completed in the next few weeks. ► Mr. Nutting thanked the DPW for all of the work they accomplished this summer. ► Mr. Nutting thanked the Council for their support, and looked forward to the next 5 years as Town Administrator. Mr. Nutting said it had been an honor to serve the Council and the citizens each day and looks forward to the next challenges.

OLD BUSINESS: ► Councilor Powderly inquired about a posting in the Milford Daily News regarding utility companies trimming trees. Councilor Powderly asked if the notification was in response to past issues. Mr. Nutting said he did not think so, and Councilor Roy said legislation regarding the utility companies has been filed. ► Councilor Bissanti inquired about what appears to be a makeshift parking lot where the Masonic Lodge was located. Mr. Nutting said the Building Commissioner is working with the owner and he will have the Town Attorney review the situation again to see if there is anything more the Town can do to mandate the owner clean up the property. ► Chairman Vallee inquired about the property located at the corner of Cottage and Union Streets. Mr. Nutting and Councilor Roy said they were actively working with CSX Corporation for a resolution.

NEW BUSINESS: ► Councilor Pfeffer proposed initiating a session between the State Representative, Town Administrator and the Citizens Committee on acquiring the Downtown train station from the MBTA for little or no money. ► Councilor Bissanti recommended the Citizens Committee pursue the 21 acres of land next to the Town Recycling Center. Councilor Roy said the land was being considered. ► Chairman Vallee requested the 4th of July Committee's financial audit.

COUNCILOR COMMENTS: ► Councilor Mercer was pleased to announce the contractor for the New High School accomplished everything that needed to be completed prior to the new school year and invited the Councilors to a walk through of the new high school on October 7th at 5:30PM. ► Councilor Kelly sent his condolences to the Netto family for their loss. Councilor Kelly congratulated Mr. Nutting for his contract renewal. ► Councilor Powderly thanked Mr. Nutting for signing on for another 5 years. Councilor Powderly said it was an honor to work with Mr. Nutting, and was one of the parts of being a Councilor that she will miss the most. ► Councilor Jones recalled the day being the 12th anniversary of the September 11th attacks. Councilor Jones thanked all of the armed service members who put themselves in harms way everyday to protect our freedom. ► Councilor Bissanti sent condolences to the Netto family. ► Chairman Vallee said he was surprised to see that Franklin High School was not listed as one of the Top 50 High Schools in Massachusetts, according to Boston Magazine. Councilor Roy said the high schools were ranked by "numbers" – meaning the schools were not evaluated in person. Councilor Mercer added the existing High School building is on a warning list, which will be rectified once the New High School is completed. Mr. Nutting said the schools have 100 less teachers than 5 years ago. While the Town does a great job with the resources available, more funding is needed to hire additional staff. Councilor Jones pointed out two recent Franklin High School graduates are now attending the Massachusetts Institute of Technology (M.I.T.) and the United States Military Academy at West Point.

ADJOURN: MOTION by Councilor Powderly to adjourn **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** Meeting adjourned at 8:34PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary