

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
October 16, 2013**

A meeting of the Town Council was held on Wednesday, October 16, 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: Gary McCarraher; Fire Chief, Mike Maglio; Town Engineer.

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: August 7, 2013 Regular Session MOTION by Councilor Powderly to move approval of minutes **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. Franklin Matters may also have recorded the meeting.

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: Newly elected Chairwoman of the Finance Committee, Susan Dewsnap introduced herself to the Council. Ms. Dewsnap thanked the outgoing Committee Chairman Jim Roche and said she looked forward to a very active committee. With respect to the upcoming ballot question regarding whether the Town's Treasurer/Collector should be changed from an elected position to an appointed position, Ms. Dewsnap said the Committee supports the appointment of the Town's Treasurer/Collector as the position requires specific qualifications and certifications.

APPOINTMENTS: NONE.

HEARINGS: *Ichigo Ichie – Reconsideration of 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* – Town Attorney Mark Cerel provided background on Town protocol for alcohol violations. Mr. Cerel said there was a miscommunication between the Town, John Brazilian; attorney representing Ichigo Ichie and the restaurant's owner regarding the actual days the Alcoholic Beverage License suspension would take place. The restaurant owner initially rejected the suspension recommendation and appealed to the Alcoholic Beverages Control Commission (ABCC). Mr. Cerel said the restaurant owner and the Town have since reached an agreement whereby Ichigo Ichie will accept the initial recommendation plus one additional day held in abeyance. The agreement includes a four-day license suspension to be served, and another four days held in abeyance for two years. Mr. Brazilian urged the Council to adopt the recommendation and said the appeal with ABCC will be withdrawn and the restaurant has taken steps to make sure there are no additional violations. **MOTION** by Councilor Powderly to close the Hearing **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Powderly to accept the recommendation of four days served, four days held in abeyance for two years with the first day of the sentence beginning on October 18th, which amends the original decision **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: *Extraordinary Foods, Inc. d/b/a Tastebuds Fresh Marketplace – New Wine & Malt Package Store License:* **MOTION** by Councilor Pfeffer to approve the request for a new Wine and Malt beverages license for Tastebuds Fresh Marketplace located at 470A King Street and approve the Manager, David J. Lanni Jr. **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting said all paperwork was

in order and reminded the store manager of the Town's alcohol compliance checks. The store manager, David Lanni said TIPs (Training and Intervention Procedures for Servers of alcohol) certification is scheduled to take place in mid-November. The store will be a butcher shop & deli offering prepared foods, artisan cheeses, craft beers and upscale wines. **VOTE to Approve: Yes-9, No-0, Absent-0.**

SUBCOMMITTEE REPORTS: *Economic Development Sub-Committee* – Councilor Jones announced on-going conversations regarding the future use for the Old Town Hall and has invited the Downtown Partnership, Dean College and any developers to offer ideas of what would be a good fit for the property.

LEGISLATION FOR ACTION:

Resolution 13-70: *Acceptance of Easement for Sidewalk on Property at 411 West Central Street:* Councilor Pfeffer read the resolution to accept the Grant of Easement and for such easement to be recorded at Norfolk County Registry of Deeds. **MOTION** by Councilor Powderly to move Resolution 13-70 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained a small easement was needed from Mr. Vendetti in order to complete the already appropriated project to install a sidewalk on Panther Way from Route 140 to the High School. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-71: *Adoption of FY 2014 Budget – Amended:* Councilor Pfeffer read the resolution to adopt the General Fund Budget, Water Enterprise Fund Budget, Sewer Enterprise Fund Budget and Solid Waste Enterprise Fund Budget as voted on May 16, 2013 with a Total Appropriation of \$105,801,336 of which \$94,668,483 is to be raised and appropriated and the balance transferred from available funds and Enterprise fund revenues. **MOTION** by Councilor Powderly to move Resolution 13-71 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the necessity to adjust the budget as the actual numbers are now available from the sale of bonds (\$45,000,000) for the New High School. Mr. Nutting said this is a booking keeping issue and the debt increase was less than anticipated. The debt budget will need to be increased by \$240,974 – however this is 'debt excluded' so it will not have an effect on the General Fund. Mr. Nutting said the plan was to use the proceeds from the bond premium of \$1,010,000 to reduce the \$45,000,000 bond to a \$43,990,000 bond. In addition, Mr. Nutting said the Town will have a \$442,935 premium that he suggested be used to reduce the debt exclusion in the first year of the New High School. Under this plan, Mr. Nutting said the average taxpayer would see an increase of \$38 instead of the \$88 previously budgeted. Mr. Nutting said as a result of the sale of bonds for the water mains, the water debt would need to increase by \$50. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-72: *Authorization to Appropriate Premium:* Councilor Pfeffer read the resolution to appropriate \$1,010,000 from the premium paid to the Town upon the sale of the Bonds, a portion of which was issued for school construction purposes and are subject of a Proposition 2 ½ debt exclusion, to pay costs of the school construction project being financed by a portion of the bonds and to reduce the amount authorized to be borrowed for such project under Resolution 12-05 of the Town Council passed February 1, 2012, but not yet issued by the town, by the same amount. **MOTION** by Councilor Powderly to move Resolution 13-72 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained the resolution reduces the bond premium. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-73: *Transfer from Water Enterprise and Rescind Borrowing Authority (Resolution No. 10-66 Appropriation Funding Sources):* **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Powderly to move Resolution 13-73 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the Town has the money to repay the five million borrowed, and will borrow another 7 ½ million in the Spring to keep the water main program going. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-74: *Appropriation: Chapter 90 Fund – \$6,000:* Councilor Pfeffer read the resolution to transfer \$6,000.00 from Free Cash to fund the Chapter 90 Fund deficit. **MOTION** by Councilor Pfeffer to

move Resolution 13-74 **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-75: Appropriation: Administration: GASB 45 Actuary Study –\$9,000: Councilor Pfeffer read the resolution to transfer \$9,000.00 from Free Cash to cover the costs to conduct an Actuary Study to determine the Towns' liability as it relates to the unfunded retiree health insurance obligation, as required by GASB 45. **MOTION** by Councilor Pfeffer to move Resolution 13-75 **SECONDED** by Councilor Powderly.

DISCUSSION: Mr. Nutting explained the Town is required to conduct an Actuary Study every two years in order to determine the amount of the unfunded obligation for retiree health insurance. The last study showed the Town owed Eight-five million dollars. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-76: Appropriation: FY 2014 School Department Budget –\$30,000: Councilor Pfeffer read the resolution to raise and appropriate \$30,000.00 to be added to the FY 2014 School Department Budget.

MOTION by Councilor Jones to move Resolution 13-76 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained the necessity to allow the School Committee to hire a technology employee half way through the current school year. The new employee would learn the current systems in place in the existing High School and prepare both students and staff with the transition to the new technology of the New High School. The position would be included in the School Budget going forward. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-77: Appropriation: FY 2014 Fire Department Expenses – \$28,000: Councilor Pfeffer read the resolution to raise and appropriate \$28,000.00 for FY 2014 Fire Department Expense Budget to cover the cost of ambulance billing. **MOTION** by Councilor Pfeffer to move Resolution 13-77 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained the change from a Town employee responsible for maintaining the ambulance receipts to an outside agency, the cost of which is \$28,000.00. Fire Chief Gary McCarraher clarified Councilor Kelly's question regarding why the fee was not initially budgeted. Chief McCarraher said the fee was not budgeted because there was a misunderstanding about how the agency would be paid. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-78: Appropriation: Ambulance Purchase FY 2014 - \$245,000: Councilor Pfeffer read the resolution to transfer \$245,000.00 from Ambulance Receipts Reserved for Appropriation to purchase a new ambulance. **MOTION** by Councilor Pfeffer to move Resolution 13-78 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained the necessity to have funds appropriated now instead of in January. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-79: Appropriation: Roads/Sidewalks/Drainage/Stormwater/Infrastructure - \$500,000: Councilor Pfeffer read the resolution to raise and appropriate \$500,000.00 for roads/sidewalks/stormwater and infrastructure. **MOTION** by Councilor Pfeffer to move Resolution 13-79 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained the resolution should reflect \$500,000 as endorsed by the Finance Committee and Capital Committee. Mr. Nutting said now that the amount of Town funding has been determined, the next step is the DPW Director will devise a street maintenance plan and present the plan to the Council in the spring. Councilor Jones inquired about funding for highway projects from the State. Councilor Roy (also a State Representative) stated the funding was appropriated by the Legislature but the Governor has not released the funds. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-80: Appropriation: Senior Center Stabilization Fund - \$125,000: Councilor Pfeffer read the resolution to raise and appropriate \$125,000.00 to be transferred to the Senior Center Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 13-80 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting said as the Councilors are aware, the Town created a Stabilization Account to make upgrades to the Senior Center. The plan is to demolish the recently purchased house and construct additional parking spaces on the plot of land, and in 2016 finish off the 2nd floor of the Center. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-81: Appropriation: Operating Budget Stabilization Fund - \$300,000: Councilor Pfeffer read the resolution to raise and appropriate \$300,000.00 to be transferred to the Operating Budget Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 13-81 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained funds were added to the Senior Center Stabilization Fund, leaving the Operating Budget Stabilization Fund with \$1,000,000. Mr. Nutting recommended adding another \$300,000 citing expected increases in pensions and healthcare premiums over the next five years. **VOTE to Approve: Yes-9, No-0, Absent-0.**

NOTE: Councilors Bissanti and Mercer recused themselves from voting on Zoning Bylaw Amendments: 13-719, 13-720, 13-721, 13-722 and 13-723 due to a conflict of interest.

Zoning Bylaw Amendment 13-719: Chapter 185, Attachment 9 – Schedule of Lot, Area, Frontage Yard and Height Requirements – 2nd Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-7, No-0, Recused-2, Absent-0.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-719 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained this amendment and the next four amendments relate to the rezoning of East Central Street. Councilor Roy spoke in support for the zoning change and for the proposed development as meeting the goals of the Master Plan. **ROLL CALL: Bissanti-Recused, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Recused, Pfeffer-Yes, Powderly-No, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-6, No-1, Recused-2, Absent-0.**

Zoning Bylaw Amendment 13-720: Chapter 185, Section 4 – Districts Enumerated – 2nd Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-7, No-0, Recused-2, Absent-0.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-720 **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Recused, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Recused, Pfeffer-Yes, Powderly-No, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-6, No-1, Recused-2, Absent-0.**

Zoning Bylaw Amendment 13-721: Chapter 185, Section 5 – Zoning Map – 2nd Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-7, No-0, Recused-2, Absent-0.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-721 **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Recused, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Recused, Pfeffer-Yes, Powderly-No, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-6, No-1, Recused-2, Absent-0.**

Zoning Bylaw Amendment 13-722: Chapter 185, Section 50 – Residential VII Zoning District – 2nd Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-7, No-0, Recused-2, Absent-0.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-722 **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Recused, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Recused, Pfeffer-Yes, Powderly-No, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-6, No-1, Recused-2, Absent-0.**

Zoning Bylaw Amendment 13-723: Chapter 185 – Use Regulation Schedule – 2nd Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-7, No-0, Recused-2, Absent-0.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-723 **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Recused, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Recused, Pfeffer-Yes, Powderly-No, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-6, No-1, Recused-2, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: Councilor Roy acting as State Representative Roy, read the House of Representatives Resolution offering sincerest congratulations to Councilors Dellorco and Powderly in recognition of their years of dedicated public service to the Town of Franklin. Councilors Dellorco, Powderly and Roy will not be seeking re-election to the Town Council.

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting thanked the firefighters for their work and said many residents attended the recent Firehouse Open House. ► Mr. Nutting announced the local paper had included the Treasurer/Collector ballot question in the paper. ► Mr. Nutting announced the DPW has the Town's first Mobile Application allowing folks to report broken streetlights, traffic lights and potholes. Additional Mobile Apps will become available after the Town gains experience with the DPW App. Mr. Nutting thanked Water and Sewer Superintendent Laurie Ruzsala and Tim Rapoza for their work on the Mobile App. ► Mr. Nutting thanked the Council for the last couple of years and wished the three out-going Councilors luck in the future. Mr. Nutting said this Council did a fantastic job and has the legacy of the New High School, the DelCarte Conservation Area, as well as helping the Seniors and the Veterans.

OLD BUSINESS: ► Chairman Vallee inquired about property owned by CSX Corporation located on the corner of Cottage and Union Streets. Mr. Nutting responded by saying he emailed CSX about 10 days earlier and had not received a response to date. The Town is attempting to have CSX Corporation beautify the land, which is considered an eyesore in its present condition. ► Chairman Vallee inquired about having the Recycling Center Fee reduced from an annual fee to a fee broken down to three times a year. Mr. Nutting said the Recycling Center Fee will be added to a future Agenda, but Mr. Nutting is considering offering a "one-day" fee where if you only wanted to use the Center once, you would pay the fee for that day.

NEW BUSINESS: ► Councilor Pfeffer inquired about having Liquor License violations recorded by the Town. Mr. Nutting said his office would provide the written guidelines for penalties. ► Councilor Bissanti requested Mr. Nutting determine if there is anything the Town can do about the 5-6 homes in Franklin which appear to have been abandoned. Mr. Nutting said he would make a list of the abandoned homes. ► Chairman Vallee inquired about the downtown construction scheduled to take place this spring and said he would like the construction to take place at night so as to not interrupt business in the downtown area. Mr. Nutting said the Town will not have any control over when construction occurs as the project is funded entirely by the Federal and State governments. Mr. Nutting agreed to have the contractor awarded the project to come before Council in an effort to understand the timeline of the project. ► Councilor Mercer inquired about the changes to the Downtown traffic flow and Mr. Nutting agreed to add basic information regarding the new traffic flow to the Town's website. Mr. Nutting said the information would be presented at the first Council Meeting in November. Mike Maglio; Town Engineer said changes were still being made to the construction plans and that a copy of the plans are available in the DPW Office and a diagram of the construction plans could be added to the Town's website.

COUNCILOR COMMENTS: ► Councilor Roy thanked everyone for allowing him the opportunity to serve in local government for the past 15 years. Councilor Roy said it was a great honor to work with his fellow Councilors to make Franklin a great place to live, work and raise a family and while his role in local government had ended, he hoped to be around for a long period of time serving folks in State Government. ► Councilor Bissanti bid a fond farewell to the three Council members not seeking reelection and said he enjoyed the dynamics of the current Council and looked forward to a great new Council. ► Councilor Jones gave his sincere thanks to Jeff Roy, Tina Powderly & Bob Dellorco who will no longer serve on the Council. Councilor Jones said the three Councilors were wonderful people and the past two years went by very quickly, but as a Council they accomplished a great deal together. ► Councilor Pfeffer thanked Councilors Dellorco, Powderly & Roy for serving on the Council and wished them luck in the future. ► Chairman Vallee thanked Councilors Dellorco, Powderly and Roy for the good work they did while serving on the Council. Chairman Vallee said he felt there would be a void on the Council as each of the three Councilors leaving were knowledgeable and the Council would be losing one of its two female Councilors. ► Councilor Powderly thanked everyone for all of the kind words. Councilor Powderly said it was an honor and pleasure to have worked with so many great people from all the committees, department heads, Jeff Nutting and all the hard working staff. Councilor Powderly added there are a lot of challenges ahead, including schools that desperately need more teachers and departments that are definitely in need of additional staff. Councilor Powderly said she was proud for any part she played in the Councils big and small accomplishments. ► Councilor Kelly said the

new DPW App is fantastic. Councilor Kelly said he will miss the three outgoing Councilors and said they are great citizens of Franklin. ► Councilor Dellorco said it was an honor to serve on the Council and thanked the community for giving him the opportunity to serve. Councilor Dellorco said the Council was great, but even though they did not always agree, they accomplished a lot. Councilor Dellorco said it was great working with Jeff Nutting and thought the Fire Department, Police Department and the DPW do great work. ► Councilor Mercer said he echoed his fellow Councilor's comments. Councilor Mercer thanked Councilors Dellorco, Powderly and Roy for their years of service to the Town. Their service was very much appreciated and they will each be missed.

ADJOURN: MOTION by Councilor Jones to adjourn **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.** Meeting adjourned at 8:15PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary