

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
11-5-2014**

A meeting of the Town Council was held on Wednesday, November 5, 2014 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Brett Feldman, Matt Kelly, Thomas Mercer, Peter Padula, Judith Pond Pfeffer, Robert Vallee, Steve Williams. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Mark Cerel, Town Attorney and Maxine Kinhart, Assistant to the Town Administrator. Other officials present: Susan Gagner, Comptroller; Jim Dacey, Treasurer/Collector.

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: None

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 be available on Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: None.

CITIZEN COMMENTS: ► Frank Todesco, 409 King Street present to get the town to help with a tree that has fallen in his yard. The tree is 2 feet wide and has snapped and is leaning on two other trees and in danger of falling on the sidewalk and street where school buses and heavy traffic is as well as joggers and walkers. Mr. Todesco stated that other trees had been swapped out before and this one was not and he believes it should have been. ► Claire Griffen and Beth Simon Co-Chairs of the Lady Bug Project. Franklin's first Public Art Project. 25 Bugs were commissioned and completed. They were there to thank the Council for their support. They have made enough money to erect a statue of Palma Johnson, the teacher who inspired the Kennedy School 2nd Grade Class of 1974 to petition the state legislature to name the Ladybug as the Official State Bug.

APPOINTMENTS: The Chairman appointed Councilor Peter Padula to the Economic Development Subcommittee and Councilor Andy Bissanti to serve as Chairman of the Economic Development Subcommittee.

HEARINGS:

Zoning Bylaw Amendment 14-742: Changes to Chapter 185-§4. Districts Enumerated

Zoning Bylaw Amendment 14-743: Changes to Chapter 185-§20. Signs

Zoning Bylaw Amendment 14-744: Changes to Chapter 185 - §31. Site Plan and Design Review **MOTION** by Mercer to open Public Hearing. **SECOND** by Feldman. **VOTE to**

Approve: Yes-8, No-0, Absent-0. Discussion: TA stated that these three bylaws clear up technical wording in the code that is contradicting. **VOTE to Approve: Yes-8, No-0, Absent-0.**

LICENSE TRANSACTIONS: None

PRESENTATIONS/DISCUSSIONS: *Erin Lynch, Executive Director of the Franklin Food Pantry* since July. She is thankful for the increasing generosity and support from the town. What is happening, we have implemented training for volunteers, quality control, under the vision of Steve Sherlock whose term on the Board of Directors is ending and Chris Feeley will take over. We currently service over 600 families. What brings them here and how do we transition them out. We have a mobile truck where we can go out to people. Stops include Senior Center, Central Park Terrace, Winter Street. As far as physical space, we have a new produce room where clients can go into and get fresh produce; we also have a new Private space for intake of clients. The Food Pantry is having a raffle of Pats tickets and a turkey trot on Thanksgiving. Some of the needs of the food pantry are shampoo, cereal and white tuna. In response to question, Erin stated that she accompanied 30 Hockymock YMCA and other Healthy Futures Participants, in conjunction Healthy Futures, a program that gets youth up and moving and eating right.

James Dacey, Treasurer Collector. As a Collector responsible for collecting Real estate, Personal Property, Motor Vehicle Excise. This amounts to about \$65,000,000. Water Sewer Trash is \$12,000,000. They process Municipal Lien Certificates, Parking Ticket Fines, Tax Liens. The Treasurer is in control of 78 bank and investment accounts, receives all receipts from all departments.

SUBCOMMITTEE REPORTS: None

LEGISLATION FOR ACTION:

Zoning Bylaw Amendment 14-742: Changes to Chapter 185-§4. Districts Enumerated 1st

Reading: Councilor Pfeffer read the bylaw that tightened terms in two places. **MOTION** by Councilor Kelly to **MOVE** Zoning Bylaw Amendment 14-742. **SECOND** by Councilor Mercer. **NO DISCUSSION. VOTE to Approve: Yes-8, No-0, Absent-0.**

Zoning Bylaw Amendment 14-743: Changes to Chapter 185-§20. Signs- 1st Reading:

Councilor Pfeffer read the Zoning Bylaw that deleted language in one section and added it to another section. **MOTION** by Councilor Kelly to **MOVE** Bylaw 14-743 **SECOND** by Councilor Mercer. **NO DISCUSSION. VOTE to Approve: Yes-8, No-0, Absent-0.**

Zoning Bylaw Amendment 14-744: Changes to Chapter 185 - §31. Site Plan and Design

Review-1st Reading: **MOTION** by Councilor Kelly to **Waive** the Reading. **SECOND** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-0.** **MOTION** by Councilor Mercer to **MOVE** Zoning Bylaw 14-744. **SECOND** by Councilor Kelly. **DISCUSSION:** Town Administrator explained that this is more language issues being corrected **VOTE to Approve: Yes-8, No-0, Absent-0.**

Resolution 14-65: Acceptance of Private Road Covenant with Developer of Village at Cooks Farm: Councilors Mercer, Padula, and Bissanti announced that they had a conflict of interest and would recuse themselves from discussion. Councilor Pfeffer read the resolution authorizing the Town Administrator to enter into a covenant on behalf of the Town with the owner and developer of Cooks Farm. **MOTION** by Councilor Kelly to **MOVE** Resolution 14-65

SECOND by Councilor Williams. **DISCUSSION:** Mr. Nutting stated that this insures that all

zoning and documents that created Cooks Farm, infrastructure, water, sewer, all stay private as we do in all condominium developments. **VOTE to Approve: Yes-5, No-0, Absent-0 Abstain-3.**

Resolution 14-66: Authorization to Grant Utility (Sewer) Easement – Councilors Mercer, Padula, Bissanti have recused themselves from any discussions; however this Resolution requires 2/3 votes or 6 votes. Asked Attorney Cerel if the Rule of Necessity could be used. Mark stated it is an Ethics Commission Rule. The Rule stated that everyone with a conflict states that conflict then they take a vote. Attorney Cerel does not feel this issue rises to need the Rule of Necessity tonight. Ron Roux feels that Planning requires him to have this document to move forward as well as for financing along with Document 14-65. **Motion to Table** until 7:50 so that Attorney Cerel can look at Planning Board Decision. Attorney Cerel stated that Planning Board is not requiring this document, only Resolution 14-65. There is no reason not to wait till Nov. 19. **MOTION** by Councilor Kelly to **Table** until November 19. **SECOND** by Williams. **VOTE to Approve: Yes-5, No-0, Absent-0, Abstain- 3**

Resolution 14-67: Appropriation: NuStyle Project. Councilor Pfeffer read the Resolution raising and appropriating \$40,000 to the NuStyle Project Budget. **MOTION** by Councilor Mercer to **MOVE** Resolution 14-67. **SECOND** by Councilor Williams. **VOTE to Approve: Yes-8, No-0, Absent-0.**

Resolution 14-68 Appropriation Senior Center Capital Project. Councilor Pfeffer read Resolution 14-68 transferring \$912,895+/- interest from the Senior Center Stabilization Fund to the Senior Center Capital Project. **MOTION** by Mercer to amend the written amount to reflect Nine Hundred and Eighteen Thousand, Eight Hundred and Ninety-five dollars (\$918,895). **SECOND** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-0.** **MOVE** by Councilor Mercer Resolution 14-68. **SECOND** by Councilor Kelly. **DISCUSSION:** Town Administrator stated we have been putting money in stabilization account for past 4 years. Now we are ready to remove and put in a Senior center building account so that the Committee can start the project and hire an architect. **VOTE to Approve: Yes-8, No-0, Absent-0**

Resolution 14-69 Appropriation: Open Space. Councilor Pfeffer read Resolution 14-69 that would raise and appropriate from the Hotel/Motel Tax \$250,000 to the Open Space Trust Fund. **MOTION to Move** by Councilor Kelly Resolution 14-69. **SECOND** by Councilor Williams. **DISCUSSION:** Town Administrator explained that we had purchased 2 properties on Wachusett Street and Daniels Street and this is to replace those funds in case some other opportunities arise. **VOTE to Approve: Yes-8, No-0, Absent-0.**

Resolution 14-71: Appropriation: Elections Budget: Councilor Pfeffer read Resolution 14-71 that raises and appropriates \$10,000 to the Elections budget for salaries and expenses for a special election. **MOTION to MOVE** Resolution 14-71 by Councilor Mercer. **SECOND** by Councilor Kelly. **DISCUSSION:** This is to pay the costs for the special election. The workers work all day from 6:00 am Lunch is provided. Can have them leave and then search for parking. Used new booths that we purchased used, saved thousands. **VOTE to Approve: Yes-8, No-0, Absent-0**

Resolution 14-72: Establishment of a Property Acquisition Projects and Facilities

Maintenance Stabilization Fund. Councilor Pfeffer read Resolution creating a Stabilization Fund for the purpose of real property acquisitions, projects and facilities maintenance.

MOTION to MOVE Resolution 14-72. **SECOND** by Councilor Mercer. **DISCUSSION:** Town Administrator explained that this money could be used for projects that come up that Council want done. We no longer have to save for Senior Center. This can be earmarked for projects, recreation, open space, museum, and land acquisition.

VOTE to Approve: Yes-8, No-0, Absent-0.

Resolution 14-73: Property Acquisition, Projects, and Facilities Maintenance. Councilor Pfeffer read the Resolution that would raise and appropriate from the Hotel/Motel tax \$250,000 into the Property Acquisition, Projects, and Facilities Maintenance Stabilization Fund.

MOTION by Councilor Mercer to **MOVE** Resolution 14-73. **SECOND** by Councilor Feldman. **NO DISCUSSION. VOTE to Approve: Yes-8, No-0, Absent-0.**

Resolution 14-74: Appropriation: Wage Settlement. Councilor Pfeffer read the Resolution to raise and appropriate \$215,000 in anticipation of an arbitration award for fire contract settlement. **MOVE** Resolution 14-74, Councilor Mercer. **SECOND** Councilor Kelly. **DISCUSSION.** Town Administrator explained that we had been to Arbitration hearing. Both sides are working on briefs, should be around December or January. This will help fund the arbitration award, not completely, but we have been putting funds away for the last four years.

VOTE to Approve: Yes-8, No-0, Absent-0

Resolution 14-75: Amendment of FY 2015 Budget. Councilor Pfeffer read the Resolution Amending several Budgets by Raising and Appropriating. **MOVE** Resolution 14-75, Councilor Mercer. **SECOND** Councilor Kelly. **DISCUSSION.** Town Administrator explained that his budget was being adjusted by \$15,000 in anticipation of staff change the end of year and overlap of training and vacation pay out. Comptroller was being adjusted by \$20,000 as a result of two retirements, vacation payouts, and wage increase to hire new personnel. Legal Expense ongoing arbitration with fire union. We annually appropriate \$40,000. September bill was \$32,000. We anticipate needing more funds later in the year. Election, this is \$10,000 for the special election in December. Planning expense was for the marketing of Pond Street and Emmons Street Properties. Recreation funds are to cover anticipated increase to part time program staff as a result of increased participation. Human Resource adjustment of \$10,000 is to pay for additional medical cost related to Public Safety pre-employment exams. **VOTE to Approve: Yes-8, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Dock installed at DelCarte. you can now walk around the entire pond. Thank Committee, Conversation, Ryan, DPW, and Council. Project is 90% done. ► Tax hearing is next meeting. Tax Assessors and staff have been working hard to do this; we usually do this in December. This is the first time in a decade that we have done this in November. ► The Town's portion of Lincoln Street/Brook Street construction is 99% down grading and a number of issues here and there still need to be done. Portion of Main still need to put in a base coat, put in granite, work on sidewalks till winter stops the project. Spring Church to Emmons to Main past Dean May, June, July. Wouldn't be in the core of downtown until summer. That depends on weather. ► If anyone is looking for the Horse Trough, it will be in the DPW garage – inside.

OLD BUSINESS: ► Councilor Pfeffer information relative to the South Franklin church. She asked does the town owe any money to any church in Franklin. No we do not. The Historical Commission is the one that decides who goes in there and does what. Deed states that the Historical Commission has the control whether the town keeps the property or not. Can the Town put something in there that the Historical didn't like? You would have to look at the deed you look at the acceptance in 1972 you had to keep the pulpit. So we are restricted on use of this building. You can use it as long as you meet historic purposes. Might be sufficient to maintain exterior or interior and exterior.

NEW BUSINESS: ► Tree on private property. TA explained that if it is on private property we tell property owner. In this case we asked Brutus to check with District 3/Mass DOT. Tree is hanging precariously over sidewalk. Based on Flyover the tree did not even look close. ► When is the Bond Sale. ► Are you looking into a communication Director and someone who gets the news out about the good things we do. ► Peter Padula, Judy Pfeffer, Fire Fighter Laurie Roy did a program on House Numbers and the importance of having them. Schools don't have on doors we should have them town wide Town Administrator agreed with Councilor Pfeffer and stated that they are addressing that in the schools as we speak and we have a bylaw requires numbers. We have to figure a way to enforce.

COUNCILOR COMMENTS: ► Congratulations to Fire Dept. and Tri-County School Teacher Mark Spillane built a ramp for Student Richie Alger. ► Thank you to Tony Marzulo and Steve Pellegrini who went and found the rocks that were used to spell Franklin in the Down Town Station. They spray painted them and placed them back. ► Congratulations to Franklin resident, Basel LeBlanc who recently was awarded 7 medals for his service as Canadien Grenadier Guard. He was 19 years old at his time of service. ► 70 solar contracts signed and are still available and that they are available to employees.

ADJOURN: MOTION by Councilor Mercer to adjourn. **SECOND** by Councilor Padula. **VOTE to Approve: Yes-8, No-0, Absent-0.** Meeting adjourned at 8:25PM.

Respectfully Submitted,

Maxine Kinhart