

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
December 17, 2014**

A meeting of the Town Council was held on Wednesday, December 17, 2014 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Matt Kelly, Tom Mercer, Peter Padula, Judith Pond Pfeffer, Robert Vallee, Steve Williams. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Maxine Kinhart, Assistant to the Town Administrator; Mark Cerel, Town Attorney; Judith Lizardi, Recording Secretary.

**CALL TO ORDER:** Chairman Vallee called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance.

**SWEARING IN OF TOWN COUNCILOR:** Deborah Pellegrini, Town Clerk, administered oath of office to newly elected Town Council member, Robert Dellorco. Mr. Dellorco took the oath and affirmation of office as a Town Councilor and pledged to take charge and perform duties as Town Councilor in accordance with laws of the Town and of the Commonwealth.

**APPROVAL OF MINUTES:** *August 6, 2014, December 3, 2014.* **MOTION** by Mercer to Approve. **SECOND** by Kelly. **No Discussion.** **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 be available on Franklin Matters.

**PROCLAMATIONS/RECOGNITIONS:** *Del Arnold - Historical Commission.* Chairman Vallee presented Certificate of Recognition to Del Arnold as a valued member of the Historical Commission and acknowledged his true citizenship and offered sincere thanks for his contribution. ► *Marlene Oliver – Historical Commission.* Chairman Vallee presented Certificate of Recognition to Marlene Oliver for her work interviewing some of Franklin’s long-time citizens and documenting their past as it relates to the Franklin Community. Chairman Vallee gave recognition and thanked her for her contribution. Deborah Pellegrini, Town Clerk, signed Proclamations.

**CITIZEN COMMENTS:** *Richard Griffin, Franklin, MA.* Mr. Griffin noted that he has lived in Franklin for his entire life and also worked for the Town of Franklin for 29 years. He wanted to bring up that during the last ice storm the Town of Franklin called the trucks in at 5AM which was too late. It was very icy in Franklin; possibly the highway superintendent did not understand the problem. Mr. Griffin was concerned about all the school children waiting for buses. He stated that when there is ice something is going to happen. Mr. Griffin said that there is no way the children can be safe if there are only five truck routes. Mr. Griffin stated that he has driven

sand trucks and that each group takes at least three hours to complete the route. Citizens may see some sand and salt, but it will be three hours later before the truck gets to the end of the route, at which time there could be ice back at the beginning of the route. Mr. Griffin indicated that there must be better communication between the Town and the schools.

Chairman Vallee stated that this issue would be further discussed at this meeting during “New Business.”

**LEGISLATION FOR ACTION: *Resolution 14-89: Creation of a Library Building Committee.*** Ms. Pfeffer read the resolution to create a Library Building Committee. **MOTION** by Padula to **Approve** the Resolution of the Creation of a Library Building Committee 14-89. **SECOND** by Kelly. **VOTE to Approve:** Yes-8, No-0, Absent-1.

**APPOINTMENTS: *Appointment of Library Building Committee.*** Ms. Pfeffer read the names of the individuals for appointment as members of the Library Building Committee. **MOTION** by Mercer to **Appoint** the individuals listed as members of the Library Building Committee. **SECOND** by Padula. **VOTE to Approve:** Yes-8, No-0, Absent-1.

**HEARINGS: None.**

**LICENSE TRANSACTIONS: *2015 Annual Alcohol License Renewals.*** Ms. Pfeffer read the list of all 2015 Annual Alcohol License Renewals. Incontro and MapleGate Country Club alcohol license renewals are currently on hold through no fault of the operators. Franklin Café & Grill is on hold due to license being transferred, and Guru is on hold due to outstanding personal property. **No discussion.**

***Mr. Padula recused himself.***

**MOTION to Approve** 2015 Annual Alcohol License Renewals as listed with the holds as noted. **VOTE to Approve: Yes-7, No-0, Absent-1.**

**PRESENTATIONS/DISCUSSIONS: *Bill McKenna, Vice President, and Manny Cunard, Executive Director, of Old Colony Habitat for Humanity.*** Mr. McKenna stated that Old Colony Habitat for Humanity works with twelve (12) communities of which Franklin is one. They are launching a new program designed to help people maintain homes and help with repairs, such as general maintenance, weatherization and accessibility. They provide volunteers to do work as well as provide materials and no interest loans to help pay. Mr. McKenna mentioned the income requirements for the program. All information and applications are available on their website: <http://www.oldcolonyhabitat.org/>. Mr. McKenna stated that he has brochures and wants to make the Council aware of the program and answer any questions.

Mr. Nutting passed out brochures to the Council members and requested that he would like a few hundred brochures to put in the Library, Senior Center, Town Hall and Food Pantry. He would

like the residents to be aware of the availability of the interest free loans to get homes fixed-up, and is hoping to get the brochures spread around town.

Mr. Kelly asked Mr. Nutting if this information could be put on the TV as well. Mr. Kelly also reported that he was part of a Habitat for Humanity build in Medway and would like to see a Habitat house in Franklin. He wished the Habitat for Humanity group much luck.

Mr. Padula asked about the application process and if it was available online. Mr. Cunard responded that the application is available online as well as available to be mailed. The application requires some family and personal information about the family members and the number of people in the family, as well as income. When families are selected to participate, Habitat expects the families to participate with sweat equity, if able.

Mr. Cunard remarked that the original mission for Habitat for Humanity is to build affordable homes for people in need, and this is the first time they have modified their mission as they are now offering to help with maintenance and home repair.

Mr. Padula reiterated the website information. Mr. Nutting will spread the brochures throughout Town. Chairman Vallee commented that Habitat for Humanity it is a wonderful organization. Mr. Dellorco asked if all people working with Habitat are volunteers. The presenters responded that Habitat will solicit volunteers from the communities, and they also have licensed contractors. Chairman Vallee thanked Habitat for Humanity for their presentation.

**SUBCOMMITTEE REPORTS:** Councilor Bissanti reported that the Economic Development Committee voted to move forward with Pond Street to bring it to Planning Board for discussion and then to Town Council for further discussion. Also voted to move forward the Emmons Street RFP for further Council discussion. Chairman Vallee indicated this will be at the Town Council's first meeting in January 2015.

#### **LEGISLATION FOR ACTION:**

**1. Zoning Bylaw Amendment 14-742: Changes to Chapter 185-§4. Districts Enumerated - 2nd Reading Requires 2/3 Vote.** Ms. Pfeffer read the Zoning Bylaw Amendment 14-742.

**MOTION** by Padula to **MOVE** Zoning Bylaw Amendment. **SECOND** by Mercer.

**DISCUSSION:** Mr. Nutting explained that these are for technical/ typographical corrections in the bylaws, as is for the next two amendments, as well. Ms. Pfeffer asked why the bylaws are made, then a few months later the Council gets changes and the revisions have to be made. Why are they not correct from the start? Ms. Wierling, Town Planner, noted that these changes were requested after a review was done by the Town Clerk's office. A code reviewer was used and corrections were made to align terminology. For example, ten years ago the word "lodge" may have been used instead of "gathering place." Terminology has changed over the years and just was not caught. Mr. Kelly agreed and said he was surprised that they did not see more of such corrections due to changes in terminology. Mr. Bissanti said that

regardless of the corrections, nothing horrible happened. **ROLL CALL: Kelly: yes, Mercer: yes, Padula: yes, Vallee: yes, Pfeffer: yes, Bissanti: yes, Dellorco: yes, Williams: yes.**  
**VOTE: Yes: 8, No: 0, Absent: 1.**

2. **Zoning Bylaw Amendment 14-743: Changes to Chapter 185-§20. Signs - 2nd Reading Requires 2/3 Vote.** Ms. Pfeffer read the Zoning Bylaw Amendment 14-743. **MOTION** by Mercer to **MOVE** Zoning Bylaw Amendment 14-743. **SECOND** by Padula.  
**DISCUSSION:** Mr. Kelly said that he just went through the process of getting a sign in the Town. He followed the rules and procedures and it was a smooth process. **ROLL CALL: Kelly: yes, Mercer: yes, Padula: yes, Vallee: yes, Pfeffer: yes, Bissanti: yes, Dellorco: yes, Williams: yes.** **VOTE: Yes: 8, No: 0, Absent: 1.**
  
3. **Zoning Bylaw Amendment 14-744: Changes to Chapter 185-§31. Site Plan and Design Review - 2nd Reading Requires 2/3 Vote.** **MOTION** by Mercer to **WAIVE** reading. **SECOND:** Kelly. **MOTION** by Mercer to **MOVE** Zoning Bylaw Amendment 14-744. **SECOND:** Kelly. **No Discussion.** **ROLL CALL: Kelly: yes, Mercer: yes, Padula: yes, Vallee: yes, Pfeffer: yes, Bissanti: yes, Dellorco: yes, Williams: yes.** **VOTE: Yes: 8, No: 0, Absent: 1.**
  
4. **Zoning Bylaw Amendment 14-745: Amendment to Chapter 185, Attachment 7, Part VI, Use Regulation Schedule, Residential Uses, Office Zoning District-Referral to Planning Board.** Ms. Pfeffer stated the Town Clerk recommended this Amendment should be numbered 15-745, not 14-745. Mr. Nutting verified this as it will not be adopted until the next calendar year. **MOTION** by Mercer to **WAIVE** reading. **SECOND:** Padula. **MOTION** by Kelly to **MOVE** Zoning Bylaw Amendment 14-745 to the Planning Board. **SECOND:** Padula. **DISCUSSION:** Mr. Nutting stated that this proposal asks the Planning Board and then the Town Council to consider whether they want to change the zoning on the Pond Street property that is owned by the Town to Residential which will allow for the potential of residential and multi-family development. The Town has been trying to dispose of this property for a very long time. There was an extensive RFP and only received one proposal back. It did not meet zoning requirements and it was late. At this time it may be worth exploring a mixed use. If this moves forward and comes back to the Council and an RFP is issued, then a Residential component could be included. This allows the Council to have a discussion and debate about how to market the land. Ms. Pfeffer questioned previous talk about R6 Zoning allowing condos. Mr. Nutting indicated that there are no R6s on the map. Mr. Nutting also answered that there could be condos or apartments, depending on what the Council wanted to allow or approve on the RFP. Mr. Nutting pointed out that they cannot have the discussion without changing the zoning. Mr. Bissanti pointed out for clarity that they want to include a multi-family residential component so when it goes back out

again for RFP it can be bid within those parameters. Mr. Nutting reiterated that this zoning change would come before the RFP. **VOTE to Approve: Yes-8, No-0, Absent-1.**

5. **Resolution 14-87: 2015 Town Council Meeting Schedule.** **MOTION** by Mercer to **MOVE** the 2015 Town Council Meeting Schedule. **SECOND** by Williams. **DISCUSSION:** Mr. Kelly asked that the February 18, 2015 meeting date be changed as it falls into a school vacation week. Mr. Nutting requested February 11, 2015. **MOTION** to **AMEND** the 2015 Town Council Meeting Schedule to change the February 18, 2015 meeting date to February 11, 2015. **SECOND** by Bissanti. **VOTE to Approve: Yes-8, No-0, Absent-1.** **VOTE to Approve** the Amended 2015 Town Council Meeting Schedule: **Yes-8, No-0, Absent-1.**
6. **Resolution 14-88: Legal Notices.** Ms. Pfeffer read Resolution 14-88: Legal Notices. **MOTION** by Mercer to **MOVE** Resolution 14-87. **SECOND** by Padula. **VOTE to Approve: Yes-8, No-0, Absent-1.**
7. **Resolution 14-89: Creation of a Library Building Committee**—Resolution **Approved** at beginning of Town Council Meeting on this date. Noted above.

**TOWN ADMINISTRATOR’S REPORT:** ► Mr. Nutting said congratulations to Mr. Dellorco and welcomed him back to the Town Council. ► Thanked all Town employees for doing a fantastic job and wished all a happy and healthy holiday season. ► Gave the Department of Public Works thanks for fixing the sewer problem on the railroad tracks. They completed the work quickly and did it for about half of the price originally estimated. It was great news that it was completed for about \$125,000. ► Reminded everyone that the Franklin Fire Department has a home visit program about smoke detectors. ► Reminded everyone about the great work of the Habitat for Humanity program. Information is on the Web and he will spread around the brochures. ► Downtown improvements continue. ► There will be posting of no parking signs on north side of Main Street. The narrowing of road due to the new sidewalks on Main Street will mean parking on only one side of the street. ► Chairman Vallee commented that on Main Street there cannot be parking on both sides of the street anymore as there would be no room for cars to travel in both car lanes. He asked if the no parking will be enforced. ► Mr. Nutting responded that this will be enforced. ► Chairman Vallee noted a similar situation on Cottage Street regarding no parking that is not enforced by the Police Department. ► Mr. Nutting stated that the parking meters in the middle of Town are covered for the Holiday period, but that the two (2) hour limit on parking is still enforced and cannot park in one space all day or will be ticketed. ► Mr. Nutting extended Happy Holidays to everyone.

**OLD BUSINESS:** ► Chairman Vallee mentioned that an email was received stating that the Railroad company wants \$365 per year to plant grass at Cottage Street/Union Street. Mr. Nutting stated that the company put a “For Sale” sign up as they said they would. They would lease the Town the property on a month-to-month basis. Chairman Vallee responded that he would not be in favor of that. Chairman Vallee also stated he would like something nice to go

there that would enhance the corner. Mr. Bissanti asked the price. Mr. Nutting replied that the price to the Town was \$600,000 but he is not aware of the price in the market place. It comprises about 1.4 acres, but part of it goes behind the Agway store. Therefore, there is about 1.0 acre of buildable land, and then it goes into a point. Chairman Vallee asked if this is a high price in real estate. Responses indicated this was a high price. It is zoned as a C1. They would like to sell it for Commercial use. Mr. Bissanti referenced another property near Alpine that was in the \$400K.

**NEW BUSINESS:** ► The Council discussed the comments Mr. Griffin made about the sanding situation of the last ice storm in Franklin. Chairman Vallee stated that it must be realized that no meteorologist forecasted the freezing that night. The Police have the responsibility to notify Department of Public Works if there is a hazardous condition. He questioned as to what the responsibility of the DPW is and why they were not notified in time.

Mr. Griffin said there are thirteen sand trucks in Franklin, and that somebody should be able to make a decision to say that it is not safe. Mr. Griffin remarked that he is not placing blame, but that the DPW cannot call people in at 5AM, get them in, load the trucks, and sand the roads in time.

Mr. Nutting stated that the DPW does a great job and the weather in New England is unpredictable. Every storm is different and a judgment call is made. He stated that citizens should not send children to school if they feel it is unsafe. He also mentioned that the DPW tries to get out in a timely basis and 99% of the time all works well. Mr. Nutting also stated that when a freeze happens at 4:30AM it is much more difficult than if the icy conditions occur at 10PM.

Mr. Williams stated that the freeze-over can happen quickly. It may take three hours to do a route and by the time the three hour route is completed, the roads have iced again. Chairman Vallee commented that this was a bad storm.

Mr. Padula asked about the protocol that is in place for ice conditions. Mr. Williams stated that at the first sign of any ice, the Police call the DPW. Mr. Padula said that protocol was followed. And, when the Police are on the roads and see that it is icy, they should make the call to the DPW.

Mr. Nutting said that usually during bad conditions the DPW will hit major roads using six vehicles, and then as a storm progresses more vehicles will go out. Mr. Bissanti reiterated that the conditions were bad in the school parking lots and everywhere. Mr. Dellorco questioned why the school superintendent did not call for a school opening delay; it seemed like a lack of communication. Mr. Kelly reminded everyone that the weather was very treacherous, but the School Superintendent is the one that makes the call for any school delay, not the Town Council. Mr. Bissanti wanted to know what the order of sanding was regarding school parking lots. Mr. Nutting responded that they were on the top of the list, but that the main roads were first in order to get to the schools.

Mr. Griffin said he understood, but there seems to be a lack of communication between Town and schools. He hopes there will be better communication.

Mr. Bissanti stated that he is glad that citizens come in and provide feedback such as this. Mr. Dellorco said that at Massport if there is an idea that an ice or snowstorm may occur, they keep a skeleton crew on all night.

COUNCIL COMMENTS: ► Mr. Kelly said Happy Holidays. ► Mr. Mercer said Happy Holidays to everyone. ► Chairman Vallee said the Town Common is looking very good. ► Mr. Nutting said the Town Council members a few years back wanted to make the Town Common decorations better and now they are.

**EXECUTIVE SESSION:** None.

**ADJOURN: MOTION** by Padula to **Adjourn. SECOND** by Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.** Meeting adjourned at 7:52PM.

Respectfully submitted,

Judith Lizardi