

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
February 12, 2014**

A meeting of the Town Council was held on Wednesday, February 12, 2014 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Brett Feldman, Glenn Jones, Matt Kelly, Thomas Mercer, Judith Pond Pfeffer, Robert Vallee, Steve Williams. Councilors absent; Peter Padula. 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 with a moment of silence and the Pledge of Allegiance.

APPROVAL OF MINUTES: *January 29, 2014 Workshop and January 22, 2014 Executive Session.* **MOTION** by Councilor Jones to approve the minutes **SECONDED** by Councilor Mercer. **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 the blog Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: Firefighter Bob Donovan of 43 Anthony Road spoke in opposition to the proposed Resolution 14-07: Revoke Civil Service – Fire Department. Mr. Donovan said he was against the removal of firefighters from Civil Service as Civil Service was instituted many years ago and continues to serve as a way for the Department to administer hiring’s, promotions, and fitness. Mr. Donovan warned if Resolution 14-07 was passed, there were no mechanisms in place to determine qualifications for hiring new firefighters, or to determine the qualifying factors to receive a promotion. Mr. Donovan would like the details to be worked out prior to the Council approving Resolution 14-07.

APPOINTMENTS: NONE.

HEARINGS: NONE.

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS: *Financial Forecast* – Jeffrey Nutting provided an update of the Five Year Fiscal Forecast. Mr. Nutting said the full forecast is available on-line. Mr. Nutting said the Town is okay in the ‘short-run’, but the ‘long run’ is uncertain. Wages and benefits account for 75% of the Operating Budget and health care costs and retirement obligations continue to rise. DPW expenses account for 22% of the Operating Budget and discussion regarding funding for road/sidewalk and infrastructure problems need to be addressed. Mr. Nutting suggested serious consideration of a 1.5 million dollar dedicated override to fund needed road repairs. Mr. Nutting said he expected State Aid to increase by less than 1% and said Local Receipts are directly tied to the economy. Mr. Nutting stressed there are a lot of ‘unknowns’, such as population size, demographics, economy and school enrollment, which all need to be monitored. Mr. Nutting offered solutions that could save the Town money. One solution is to consider changing health insurance coverage for future employees. Another solution is to continue hiring part-time employees where appropriate, as the Town is not required to provide health insurance and retirement benefits to part-time employees. Additional solutions included continuing to lobby against Unfunded Mandates, look for shared services when available, use technology to create greater efficiency, look for commercial/industrial development where appropriate to increase taxes, encourage hotels and restaurants to locate in Town as a way to increase taxes and lastly to continue to lobby to change outmoded and expensive laws that drive up the cost of government.

SUBCOMMITTEE REPORTS: *Economic Development Committee* – Councilor Jones said a meeting was held on February 11th and the main topics were the continued discussion of the Pond Street property and the property located at 150 Emmons Street.

LEGISLATION FOR ACTION:

Resolution 14-06: Acceptance of Gift – Franklin Public Library: Councilor Pfeffer read the resolution to gratefully accept the generous gift of \$5,000 from The Friends of the Franklin Library to the Franklin Public Library. **MOTION** by Councilor Jones to move Resolution 14-06 **SECONDED** by Councilor Mercer. **DISCUSSION:** Friends of the Franklin Library President Maria Lucier said with the evening's \$5,000 donation to the Franklin Public Library, The Friends of Franklin Library have donated over \$184,000 since 2005. Ms. Lucier announced the creation of a \$1,000 annual scholarship in memory of former Friends of Franklin Library member Wilma Winters. Ms. Lucier also announced the Friends of Franklin Library had recently joined the Massachusetts Friends of Libraries Association and is hosting the Association's President on April 2, 2014 and all are welcome to attend. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Resolution 14-07: Exemption of all Positions in the Fire Department from the Civil Service Law: Councilor Pfeffer read the resolution to exempt all positions hired after the effective date of the Resolution in the Fire Department from the provisions of G.L. Chapter 31, the Civil Service Law. **MOTION** by Councilor Kelly to move Resolution 14-07 **SECONDED** by Councilor Pfeffer. **DISCUSSION:** ► Mr. Nutting explained beginning in 1975; various employee groups have been exempted from Civil Service for future hires. The Fire Department is the last employee group to retain Civil Service status. Mr. Nutting said Civil Service began in 1880 before unions had organized and employees had rights. The Civil Service process is difficult, tedious and outdated. Mr. Nutting stressed all employees would be 'grandfathered' and the change in Civil Service would impact employees hired after the resolution takes affect. Mr. Nutting asked the Council to approve the resolution and he would gladly sit down with the Fire Department to discuss the impact of the change. ► Councilor Mercer said he was proud of the men and women who work for the Fire Department, but all labor units have been removed from Civil Service and the impact for promotions and future hires would be conducted during Collective Bargaining. Councilor Mercer explained the necessity to revoke Civil Service as a cost saving measure. Councilors Bissanti, Kelly and Jones spoke in support of the resolution to revoke Civil Service status for the Fire Department. ► Citizen and Fire Fighter Bob Donovan spoke in opposition to the resolution as he said he does not see the equity of new employees working for less wages than fellow fire fighters. Mr. Donovan said his research of the auto and airline industry indicated problems arose 5-6 years after Civil Service was revoked. Mr. Donovan also said given the aging of the Department, he forecasted ¾ of the Department would retire in 6-7 years. Mr. Donovan conceded the need to adjust the retirement and benefits packages for new employees, but not wages. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8 – 0 – 1.**

Resolution 14-08: The Woodlands – Approval of Modification (Amendment) to Regulatory Agreement: **MOTION** by Councilor Jones to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** to move Resolution 14-08 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained a similar resolution went before the Council last year. The Woodlands is a subdivision, which included affordable housing. The original developer declared bankruptcy before all of the affordable housing units were constructed. The wording of the Regulatory Agreement must be adjusted in order to allow a new developer to complete the sub-division. The Department of Housing and Community Development did not approve the initial Resolution, so now the language has been adjusted to include a few regulatory changes to allow this project to conclude. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Bylaw Amendment 14-727: Chapter 47 – Alcoholic Beverages – 2nd Reading: **MOTION** to waive the reading by Councilor Jones **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Jones to move Bylaw Amendment 14-727 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting said this bylaw puts a process in place when someone is caught violating the alcohol serving laws. Councilor Kelly said he was concerned some might risk alcohol violations if they knew the penalty was only 3-5 days and he was concerned the penalty is the same whether one person under the age of 21 or several people under the age of 21 are served. Mr. Cere said the violations typically occur during a Compliance Check where one person under 21 years of age is served alcohol. Councilor Jones spoke in support of the bylaw, as did Police Chief Semerjian. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8 – 0 – 1.**

Bylaw Amendment 14-729: Chapter 179, Section 9.1 – Water Map – 2nd Reading: Councilor Pfeffer read the bylaw to extend the water system from Uncas Avenue and Ledge Street to Crocker Avenue to service a new 9 lot subdivision off Uncas Avenue. **MOTION** by Councilor Jones to move Bylaw Amendment 14-729 contingent upon compliance with the January 8, 2014 Memo **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8 – 0 – 1.**

Bylaw Amendment 14-730: Chapter 139 – Entitled Sewers – 2nd Reading: Councilor Pfeffer read the bylaw to extend the sewer system from Crocker Avenue approximately 980 feet off Uncas Avenue to service a new 9 lot subdivision.

MOTION by Councilor Jones to move Bylaw Amendment 14-730, contingent upon compliance with the January 8, 2014 Memo **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8 – 0 – 1.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting announced the Fire Department was awarded a \$20,000 grant to create a base map for the four communities who will be regionalizing emergency dispatch. ► The DPW was awarded a \$119,000 grant to review stormwater issues. ► Walsh Contracting produced the lowest bid at \$186,000 for the Downtown Project. Mr. Nutting will provide periodic updates on the State project. ► Mr. Nutting requested residents be mindful of what is disposed down toilets. A flier will be included in the next tax bill which will educate residents of items that should not be flushed down toilets as they damage the sewer pump grinders. ► Department head presentations, beginning with Facilities will begin during the next Council meeting. ► Mr. Nutting requested an Executive session for real property.

OLD BUSINESS: NONE.

NEW BUSINESS: ► Chairman Vallee proposed a discussion on rezoning Route 140. Chairman Vallee requested the DPW Director come in to discuss the 1.5 million dollars it is expected to cost to repair the Town roads.

COUNCILOR COMMENTS: NONE.

EXECUTIVE SESSION: Chairman Vallee said the Town Council would go into Executive Session for the purpose to consider the purchase, exchange, lease or value of real property and declared that an open meeting may have a detrimental effect on the negotiating position of the public body. Open Session will not reconvene at the conclusion of the Executive Session. **MOTION** by Councilor Pfeffer for the Franklin Town Council to go into Executive Session for the purpose to consider the purchase, exchange, lease or value of real property and declared that an open meeting may have a detrimental effect on the negotiating position of the public body and as the Chair has so declared, the Open Session will not reconvene at the conclusion of the Executive Session **SECONDED** by Councilor Mercer. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Vallee-Yes, Williams-Yes. VOTE to Approve: 8 – 0 – 1.**

The Regular Session of the meeting ended at 8:00PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary