

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
March 5, 2014**

A meeting of the Town Council was held on Wednesday, March 5, 2014 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Brett Feldman, Glenn Jones, 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: Stephan Semerjian, Chief of Police; Susan Gagner, Comptroller; Jim Dacey, Treasurer/Collector; Robert Cantoreggi, DPW Director; Laurie Ruzala, Water and Sewer Superintendent; Michael D'Angelo, Director of Public Facilities; Richard Gaskin, Manager of Public Facilities.

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 15, 2014, January 22, 2014 Regular Session. MOTION by Councilor Jones to approve all minutes **SECONDED** by Councilor Mercer. **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. The meeting may also be available on the blog Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: Rich Aucoin of 38 Crescent Street said he planned on submitting to the Council a resolution called "Restoring Constitutional Governance Resolution of Franklin Massachusetts". Mr. Aucoin said routine legislation called the National Defense Authorization Act (NDAA), which annually finances U.S. military operations overseas, quietly added in 2012 language which authorized indefinite detentions on US soil. Mr. Aucoin said the language would allow U.S. citizens to be denied constitutional protections and be subjected to the laws of war. Mr. Aucoin urged the Council, as a last line of defense after State and Federal leaders to uphold Constitutional Governance by reasserting the rights of due process of the people of Franklin as enumerated in Articles 12 & 18 of the State Constitution and Amendments 5 & 14 of the U.S. Constitution. Chairman Vallee invited Mr. Aucoin to wait until the "New Business" portion of the Meeting, at which time the Council would have an opportunity to respond to the resolution request.

APPOINTMENTS: NONE.

HEARINGS: NONE.

LICENSE TRANSACTIONS: *Application for a new Wine and Malt Package Store License by Jay Gayarti, Inc., dba Old Gold Convenience:* **DISCUSSION:** Mr. Nutting cited a Memorandum dated 2/28/14, which stated the general laws allow the local licensing board to consider whether there is a public need for the alcohol license and it is appropriate to consider whether there is a public convenience or necessity when granting the license. Mr. Cerel clarified competition was not a reason to deny an application. At issue was whether a beer and wine license should be granted to Old Gold Convenience when there is a Package Store across the street. Arunkumar Patel, the store manager and Craig Ciechanowski, the attorney representing Old Gold Convenience said the manager had previous experience managing a convenience store where beer and wine were sold and said the license would be a supplement to their existing business and did not see a problem with a full service liquor store across the street. Councilor Bissanti supported issuing the license, as many other convenience stores sell beer and wine and Old Gold Convenience is located in a commercial district. Mark Mann, trustee for the Union Street Liquor store property said the package store relied on beer and wine sales and was concerned

the package store would not be able to pay the rent if beer and wine sales were lost to Old Gold Convenience. Several Councilors questioned the process for advertising available beer and wine licenses as there is a limit of how many beer and wine licenses and how many package store licenses are available based on the Town's population. Councilor Pfeffer recommended the Town have a process in place to advertise available licenses. **MOTION** by Councilor Jones to close the Hearing **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Bissanti to grant the license **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Feldman-Yes, Jones-No, Kelly-No, Mercer-No, Padula-Yes, Pfeffer-No, Vallee-Yes, Williams-No.** **VOTE to Approve: 4 – 5 – 0 – MOTION FAILED.** **MOTION** by Councilor Kelly to deny the beer and wine license on the basis of over saturation in the current area **SECONDED** by Councilor Pfeffer. **ROLL CALL: Bissanti-No, Feldman-No, Jones-Yes, Kelly-Yes, Mercer-Yes, Padula-No, Pfeffer-Yes, Vallee-No, Williams-Yes.** **VOTE to Approve: 5 – 4 – 0 – MOTION PASSED.**

PRESENTATIONS/DISCUSSIONS: *Auditors* – Susan Gagner; Comptroller, Jim Dacey; Treasurer/Collector introduced Melanson and Heath & Company, PC President Frank Biron and Audit Supervisor Karen Snow. Mr. Biron said it was his firm's opinion the Town's financial statements were in accordance with generally accepted accounting principles. Mr. Biron reviewed how the report was organized and explained how the 31.8 million dollar Other Post Employment Benefits (OPEB) was calculated. Mr. Biron pointed out beginning in 2015 the Town's liability for the unfunded Norfolk County Retirement System will be included in the audit. Mr. Biron said the Town did a good job of collecting receivables and the Town's unassigned fund balance will be viewed by bond rating agencies as the Town being in a very strong financial position. Mr. Biron said the Town "beat the budget" by \$2,602,563, indicating the Town had a very good year budget wise. Mr. Biron cited the strong balances in the three Stabilization Funds, as well as the Town taking conservative revenue estimates as also being favorable to bond rating agencies. Mr. Nutting said the OPEB obligation will grow exponentially if left unfunded and said other communities are in the same situation as Franklin. Mr. Nutting said the Town planned to appropriate, with the Council's approval six hundred thousand to the OPEB fund. Ms. Snow said there were no significant deficiencies and no material issues were found necessary to include in the report. Ms. Snow said the four areas the Town should work on are: 1) Develop a more formal risk assessment process, 2) Formalize a fund balance policy, 3) Analyze debit balances in withholding accounts and 4) Modify departmental receipt processes, specifically at the Library. Ms. Gagner addressed the four areas and described how she and Mr. Dacey would implement the necessary changes. Mr. Nutting commended the Accounting staff, the Treasurer, the Comptroller and their respective staffs. Chairman Vallee thanked the Auditors, Ms. Gagner and Mr. Dacey for the presentation.

NOTE: Legislation For Action was taken out of order to accommodate the set-up of presentation equipment.

LEGISLATION FOR ACTION:

Resolution 14-09: Appropriation – Sewer – East Central Street Pump Station Study - \$74,000: DPW Director Robert Cantoreggi and Water and Sewer Superintendent Laurie Ruzala provided the Council with background information concerning the necessity to fund a study of the East Central Street Pump Station. The East Central Street Pump Station does not have a large wet well, so if one of the two pumps fails, the overflow will go into a brook. Mr. Cantoreggi said he would like the Council to act proactively as the property known as Cooks Farm is expected to be developed very soon and the developer will request to have the development hooked up to the Town's sewer system. In addition, Franklin Country Club has also requested to be hooked up to the sewer system. Mr. Cantoreggi said the Town has the capacity to process the sewer waste, but probably needs to upgrade the pumps. Mr. Nutting echoed Mr. Cantoreggi's recommendation to move quickly on the study. Councilor Jones clarified the study is not something that can be completed 'in-house', but will be contracted with Arcadis. Councilor Feldman inquired whether Franklin Country Club would be responsible for the cost of the sewer hook-up. Mr. Nutting said when the study is completed, the Town will have a better idea of what is involved to have Franklin Country Club and the Cooks Farm development added to the Town sewer system, and the developer typically is responsible for the costs associated with the addition of the development.

► Councilor Pfeffer read the resolution to appropriate \$74,000 for the Sewer East Central Pump Station Study.

MOTION by Councilor Kelly to move Resolution 14-09 **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: (Continued)

Director of Facilities – Michael D’Angelo, Richard Gaskin; Manager of Public Facilities. Mr. D’Angelo reviewed the department’s mission statement and provided an overview of the types of activities the department engages in to maintain 19 buildings, which include school and municipal buildings, as well as the restrooms located at 5 Town recreational areas. Mr. D’Angelo said he oversees 32 full-time custodians, 13 part-time custodians and temporary seasonal hires during the summer months. Mr. D’Angelo reviewed custodian accomplishments, preventative maintenance projects, energy efficiency measures, capital projects, projects completed during the 2013 summer and construction projects that have involved the department. ► Councilor Pfeffer had several questions regarding building maintenance. Mr. D’Angelo said he inspects every building at least every few months and spends more time in buildings where work is being done. Mr. D’Angelo said long-term projects include replacement of the Keller/Sullivan roof, a variety of work at Davis Thayer, renovation of the Library and a decision regarding the future of the old museum. In response to Councilor Pfeffer’s inquiry regarding roof problems, Mr. D’Angelo said the High School roof had leaks and the Remington/Jefferson roof had a couple of issues which had been reported to the appropriate contractors. A discussion followed regarding whether it would be cost effective for the Town to have HVAC personnel on staff instead of contracting out for projects as is currently done. Mr. D’Angelo said contracting out for HVAC provides the Town with flexibility as there is not a constant need for HVAC work and each project requires different HVAC staffing levels. The Town’s own plumber and electrician often complete small HVAC jobs. ► Councilor Kelly inquired about the maintenance plan for the New High School. Mr. D’Angelo said the maintenance plan would be completed after the building was turned over to the Town and training of the custodial staff had been completed. Councilor Kelly asked about a specific issue at the Library, which he had previously reported to Mr. D’Angelo. Mr. D’Angelo said the work order had not been submitted because of the possibility the Library would be undergoing a major renovation. ► Councilor Jones suggested contracting with an outside cleaning service to clean all of the facilities once a year and whether doing this would be cost effective. Mr. D’Angelo said the custodial staff already cleans all of the buildings during the summer months and the current custodial contract requires the custodians to clean all of the buildings. ► Mr. Nutting commended the Facilities staff for being flexible and getting the job done. ► Councilor Mercer pointed out the staff deals with over a million square feet of space and they do a great job. ► Chairman Vallee thanked Mr. D’Angelo and Mr. Gaskin for the presentation.

Zoning Along Rt. 140 – Chairman Vallee and Mr. Nutting agreed to refer the matter to the Economic Development Committee.

SUBCOMMITTEE REPORTS: Economic Development Committee – Councilor Jones said the previous evening’s 150 Emmons Street Hearing was one of the best attended meetings he has seen. The next meeting is tentatively scheduled for March 19th.

LEGISLATION FOR ACTION: (Continued)

Resolution 14-10: Confirmatory Order of Taking – Land off Cottontail Lane: **MOTION** by Councilor Pfeffer to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Mercer to move Resolution 14-10 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said the Town had purchased this property and this is the standard confirmatory taking to make sure there are no title issues. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 14-11: Appropriation - Legal – Other Contractual Services - \$20,000: Councilor Pfeffer read the resolution to transfer \$20,000 from 01910200-517155 Employee Benefits to the Legal – Other Contractual Services Budget to pay legal expenses. **MOTION** by Councilor Mercer to move Resolution 14-11 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said the Town needs additional legal funds as a result of some on-going collective bargaining issues and other personnel issues. **VOTE to Approve: Yes-9,**

No-0, Absent-0.

Resolution 14-12: Appropriation - Human Resources – Medical Expenses - \$3,000: Councilor Pfeffer read the resolution to transfer \$3,000 from 01910200-517155 Employee Benefits to the Human Resources Medical Expenses Budget. **MOTION** by Councilor Kelly to move Resolution 14-12 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained the budget is about to be over expended resultant from the hiring of four new firefighters. The additional expenses were not budgeted because the four firefighters were hired via a grant, but the benefits are the Town’s responsibility. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 14-13: Authorization to Expend Funds in Excess of Available Appropriations: Councilor Pfeffer read the resolution to authorize the expenditure of funds in excess of the available appropriation for snow and ice removal upon approval by the Town Administrator. **MOTION** by Councilor Mercer to move Resolution 14-13 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said this is a statutory requirement. The Town has over expended the snow and ice budget. Mr. Nutting said in April a resolution will be brought forward with a request for the actual amount of needed funding. **VOTE to Approve: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting said he should hear about a pre-construction meeting for the Downtown Construction Project and will notify the Council as soon as the meeting has been scheduled.

OLD BUSINESS: Chairman Vallee inquired about drafting a bylaw for parking meter hours. Mr. Nutting said he is working on a comprehensive parking bylaw, which would include parking meters. Mr. Nutting expects the bylaw will be ready in the next 60 days.

NEW BUSINESS: ► Chairman Vallee inquired about the comments made during “Citizens Comments”. Mr. Aucoin provided Mr. Nutting with the draft resolution and Mr. Nutting said it would be up to the Chairman to determine when the draft resolution would be added to the Agenda and Mr. Aucoin would be notified of the date. Chairman Vallee thanked Mr. Aucoin for the draft resolution. ► Councilor Jones requested the beer and wine license process be added to a future Agenda. ► Councilor Bissanti said he would like to move forward on with an RFP on the Emmons Street property and the Pond Street property. Councilor Bissanti and Mr. Nutting agreed to add this topic for discussion on the next Agenda.

COUNCILOR COMMENTS: ► Councilor Pfeffer acknowledged the recent death of Betty Swenson who was a librarian at the Franklin Library for over 20 years. Councilor Pfeffer announced on March 26th the Franklin Senior Center will be showing a movie called “Losing Ones Sight”.

ADJOURN: MOTION by Councilor Mercer to adjourn **SECONDED** by Councilor Padula. **VOTE to Approve: Yes-9, No-0, Absent-0.** Meeting adjourned at 9:23PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary