

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
January 7, 2015**

A meeting of the Town Council was held on Wednesday, January 7, 2015 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Brett Feldman, 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 6:00 PM with a moment of silence and the Pledge of Allegiance.

EXECUTIVE SESSION: *Collective Bargaining with Fire Fighters Union*

REAPPOINTMENT OF TOWN COUNCIL CHAIRMAN: **MOTION** by Kelly to **Approve** Reappointment of Chairman Vallee. **SECOND** by Pfeffer. **No Discussion. VOTE to Approve: Yes-9, No-0, Absent-0.**

APPROVAL OF MINUTES: *December 17, 2014.* **MOTION** by Padula to **Approve.** **SECOND** by Dellorco. **No Discussion. 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 Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: None.

CITIZEN COMMENTS: None.

APPOINTMENTS: *Phyllis Messere Malcom - Historical Commission.* **MOTION** by Pfeffer to **Ratify** the appointment of Phyllis Messere Malcom as a full member of the Historical Commission. **SECOND** by Padula. **VOTE to Approve: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: *Artistry Kitchen Franklin, LLC – Change of Manager.* **MOTION** by Mercer to **Approve** the request by Artistry Kitchen Franklin, LLC, for a Change of Manager to Spencer James Waite. **SECOND** by Feldman. **Discussion:** Ms. Pfeffer noted that the word “Kitchen” must be included in the name of the establishment in the official License Transaction document. Mr. Nutting stated that a special permit from the Planning Board will be required for the establishment to open as a private function room. **VOTE to Approve: Yes-9, No-0, Absent-0.**

HEARINGS: *Zoning Bylaw Amendment 15-745: Amendment to Chapter 185, Attachment 7, Part VI, Use Regulation Schedule, Residential Uses, Office Zoning District*

Mr. Nutting indicated this is the same zoning bylaw amendment discussed at the January 5th Planning Board meeting. He provided an overview of the development plan for the 33 acre Town owned property on Pond Street. The proposed zoning change will allow for multi-use at this site. If this zoning bylaw is adopted, then another RFP could be prepared. This mixed-use would provide additional options such as condominiums for the Town Council to determine what is in the best interest of the community. For instance, 140-room hotel would bring in revenue of approximately 1% of tax dollars. This would be a good use as to provide for low traffic and good revenue. The property should be marketed and developed to produce income for the Town.

Community members addressed Town Council. ► Mr. Paul Sager, 225 Pond Street: tremendous amount of traffic on Pond Street. Hotel is a better idea than adding families which may have two cars and children going through the school system. ► Troy, (resides on the other side of the drainage ditch area): asked how close building to drainage ditch would be, how property values would be affected, and why more office space is needed. He suggested something for public use such as a park that would benefit the entire population. He is concerned about what will happen to the wildlife. ► Glen Touhey, 488 Martello Road: what are the determining factors on how many homes or condominiums would be allowed? The impact on area should be minimized. ► Gayle Ward, 20 Hilltop Road: asked which Council members live in the area. She does not want things to change to the point that there is too much traffic. Why does the Town need more money since taxes were just raised? ► Gail Irwin, 56 Hilltop Road: Due diligence is lacking. She did not receive letter from Town identifying this change. More people should be notified. The new Starbucks has created more traffic. She expressed concern about impact of traffic on students waiting for buses. Elected Town officials should represent citizens in the area regarding this zoning change. ► Peg Helgaard, 5 Green Street: how will this impact our schools, police and fire? All citizens of the community will be affected. ► Charles Bertone, 20 Rolling Ridge Road: what will be the impact on the sewer bed? The current trees block out the highway sounds, so if they are cut down, it will be much louder. ► Glenn Jones, 172 School Street: what other zones are available on Pond Street and what is it currently zoned for? ► John Pazniokas, 4 Hilltop Road: received letter about EDC meting only three days before meeting in December. Since Town has significant debt, will concerns of community be taken into account when RFPs comes back? ► Stephanie Pazniokas, 4 Hilltop Road: can the rezoning be restricted to condominiums? Concerned about the trees. Also, if sewer tanks are removed, it could expose a situation that could be an issue. ► Sandra Verhaegen, 24 Hilltop Road: How is the Council going to protect future development of the land, and what will this rezoning mean in the future? Will more police officers be needed? ► James Schultz, 21 Mackintosh Street: encouraged each Council member to drive to Tri-County School in the morning and evening and try to take a left as they exit in order to experience the traffic concerns. ► Elaine Murphy, 2 Walker Road: what about the concerns of the residents that drive and live on Pond Street? She urged a balance between environment, neighbors and financial benefit. Is it wise to take away trees and encroach upon wetlands? Are there other areas in Franklin that could be developed? Noted the effects of Starbucks and Noodles and stated this appears to be advantageous to businesses and not the taxpayers that already live there. ► Phillip Purvis, 137 Pond Street: traffic is so heavy on Pond Street that his five- and seven-year-old children are not allowed in the front yard. This road should not be built up. ► Steven Quinlan, 204 Pond Street: what will the impact be on the Town if nothing is done?

Council responses to community members' questions/concerns.

► Mr. Kelly stated that after this rezoning takes place, it will go back to the Economic Development Committee and then return to Town Council for vote. ► Mr. Bissanti clarified that this had gone out to an RFP before and he believes the residential component will attract a better package. ► Mr. Padula stated he wants to balance the revenue aspect with what is best for the community. Suggested that public should attend EDC meetings and follow process of due diligence. ► Mr. Nutting stated that the Town has fixed costs that increase yearly. He would like to shift the tax burden to commercial and industrial as they do not add children to the tax base. Would like land to be rezoned to attract businesses. Usually, condominiums are an economic gain for the Town. Land needs to be developed, but meet the financial needs of the Town and the neighborhood. The sewer beds on the property will have to be cleaned out and the forthcoming RFP will determine setbacks. This area is already zoned for office and is biotech ready. ► Mr. Feldman appreciated the input from the Town and audience and asked that they continue to stay engaged during each step of the process. ► Mr. Nutting said all abutters received notices, but they will broaden the notice list to include more residents in the area. ► Bryan Taberner, Community Development and Planning, Director, indicated that although it was not a requirement, 63 letters were sent out to abutters of 300 ft. ► Mr. Dellorco stated his biggest concern is the traffic. He would not like to see apartments or many condominiums. He would like the abutters and community to be more involved. ► Ms. Pfeffer stated the zoning bylaw amendment is not rezoning a residential area. The property is already zoned for office and this is trying to add a small residential piece to the office district. ► Mr. Nutting stated the Economic Development Committee will probably meet in February to discuss the RFP process.

MOTION by Vallee to **Close** the public hearing on Zoning Bylaw Amendment 15-745: Amendment to Chapter 185, Attachment 7, Part VI, Use Regulation Schedule, Residential Uses, Office Zoning District. **SECOND** by Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► *Community Opportunities Group - Community Development Block Grant.* Mr. Nutting provided a brief explanation of the Town's joint application for a Community Development Block Grant (CDBG) for housing rehabilitation with no interest loans. A regional application is seen as having a better chance of funding, so the Town decided to join forces with the hope of getting some funding to help residents pay for needed repairs of their homes. If the funds are awarded, the program would be overseen by Community Opportunities Group. This firm has assisted the Town in the past.

Community Opportunities Group explained that the Town of Bellingham would be the lead community and have all of the managerial responsibilities. If the Town of Franklin moves forward, Franklin would receive a portion of the grant, along with Bellingham and Hopedale. The grant provides housing rehabilitation which includes financial assistance to households needing home repairs. Funding for food pantry or supplemental food assistance for qualifying residents is also addressed. They are asking for Town Council to authorize the Town Administrator to work with the Community Opportunities Group and vote to join with Bellingham and sign required documents for this grant application.

Mr. Nutting requested this be put on the Town Council's agenda for two weeks to have a formal motion. Also noted, if a loan is held for fifteen years after home is repaired, it is forgiven.

Councilor Kelly recused himself.

► **150 Emmons Street.** Mr. Nutting provided a brief discussion of the sale of 150 Emmons Street, and recommended that Town Council move forward with this. In response to the RFP, one bid was submitted by Mr. Roger Calarese for \$500,000. He would like to consider retail development and include a statue of Horace Mann on the property to help set the tone of what will be the “Gateway to the Downtown.” Mr. Nutting displayed and reviewed the design plan for the 8,000 sq. ft. of retail.

Mr. Richard Cornetta, Attorney, for Mr. Calarese, stated that Mr. Calarese regretted not being able to attend tonight’s meeting. Mr. Cornetta purported that if any restrictions are placed, they should be specific to the drive thru. He reiterated that Mr. Calarese withdrew the fast food/coffee related drive thru from the proposal, but would like to reserve his right to have the option of a bank drive thru.

Mr. Steve Sherlock from Franklin Matters reviewed his survey regarding the sale of the land and restrictions on the drive thru and explained the responses.

Community members addressed Town Council. ► Lisa Piana, Executive Director of the Franklin Downtown Partnership stated she was involved in many of the past meetings on this issue and is happy to learn that Mr. Calarese heard the concerns of the residents and eliminated the fast food drive thru, and is looking forward to continued discussions. ► Glenn Jones, 172 School Street, stated he hoped the Town would make this a presentable gateway area when entering the Town. He would not like to see any drive thru here, but the new proposal increases the green space and meets much of the criteria for this lot. He hopes the developer takes into consideration that there will be much revision to this particular intersection of Emmons and West Central streets from the Downtown Revitalization Project including revised crosswalks, a new set of lights, and 30% of the traffic load will be rerouted into a two-way traffic pattern. As such, he does not want any type of drive thru. ► Dennis Sardella, 597 Maple Street stated the new proposal is good as the area needs work in order to be a magnet for people to come to Town, although the prospect of a drive thru or bank is a wrong step. ► Cyndi Rich, 2 Lily Waye and downtown business owner, agreed that there should not be a food drive thru. ► Lisa Buccella, 96 Jefferson Road remarked that residents keep aware of Town actions through methods other than in-person meeting attendance. She wants to make sure that the entrance is carefully considered. ► Gregg Chalk, Assistant Vice President of Marketing for Dean College, stated the College is supportive of development, but wants to reiterate opposition to a food drive thru for the safety concerns of students. ► Peg Forbes, 13 Oxford Drive, suggested a raised crosswalk over Rt. 140. ► Jane Curran, 18 Park Road and owner of downtown business, Jane’s Frames, stated she is glad that there will not be a food drive thru, but is concerned about entrances and exits. ► James Schultz, 21 Mackintosh Street, objects to any drive thru on this parcel of land. Downtown area does not need any stop and go traffic, but something that will engage people to stay and see what the downtown area has to offer. ► Elaine Murphy, 2 Walker Road, appreciated the illustrative designs. If this cannot become the gateway to the Town, is there any other location?

Mr. Nutting stated the original proposal was for a bank and retail space. Then discussions ensued and both citizens and Downtown Partnership did not want a drive thru. As such, Mr.

Calarese took it off the table and came up with a new plan. He reminded audience that this is a conceptual design which needs to go through Planning Board and site plan process.

Mr. Mercer is concerned with the revitalization of Downtown and was also against the drive thru. He stated concern with the traffic in the area. He remarked that Town Council has done their due diligence and the green space has been increased from 20 to 30 percent.

Mr. Padula stated he will only vote for a bank drive thru, not anything else.

Mr. Cerel stated that any restrictions, such as a bank drive-thru, put in place will only last for thirty years.

Mr. Nutting explained that the Planning Board reviews studies for drive thru operations and vehicle service establishments. Bank drive-thru areas have shorter stack lanes.

Mr. Nutting stated the Town Council is going to maintain easement so that there will be some green space, a Horace Mann statue, and a nice building. There has been much discussion about selling the building, but also a compromise about the development of the property.

Councilor Kelly re-entered the meeting.

► ***Town Administrator's Annual Update, Five Year Fiscal Forecast, Master Plan Update.***

Mr. Nutting provided a brief overview of the ***Annual Update*** as well as a list of potential issues for 2015 and beyond. He noted that in the financial perspective, balancing the budget for FY 16 is reachable, while FY 17 and beyond becomes more difficult. OPEB Trust voted in December to be created. Still waiting for Firefighter arbitration settlement. Will be bargaining again with all unions as all contracts run out on June 30th. Library Committee funded and will soon pick an architect. Looking for a home for the Recreation Department as the current building is to be sold. Second floor of the Senior Center is underway. Putting away funds for the Turf fields replacement. Overrides for roads failed so money is needed in that area. Water improvements continue. Sidewalk proposal is being developed for Council's consideration. Several workshops on zoning have been conducted and would like another workshop on issues outlined in the Master Plan. Formal proposal coming forward in next few months regarding Downtown parking. Pond Street discussions have ensued. Future of old Municipal Building continues to be discussed. Current enrollment in lower-grade schools will decline. Portables will be removed this summer. Much got accomplished with some items still in the works to move the community forward. This will be a busy year ahead for community and the Council.

Mr. Nutting reviewed the ***Five Year Fiscal Forecast***. He noted that this is a forecast and it may change based on many factors. He stated that Franklin is generally in good financial shape, but in the long run will continue to struggle to maintain high quality school and municipal services given the fiscal constraints that the Town operates under. Starting in FY 17, the forecast suggests that the Town may face difficult choices and each budget will affect the future. FY 16 which begins in July will be handled without any impact, but expenses and revenues beyond that get rather alarming. Fixed costs for pensions and health insurance and overall general costs continue to rise greater than the Town's income. Town has been fortunate in the down economy that

some of the costs have been reduced or held. There was great cooperation from employees and collective bargaining agreements, such as working on changing health plans and higher co-pays, which has helped. Town expects 10% increase in county assessment which is about \$360,000 this year. Town receives \$2.6 million in new revenue each year on a \$100 million budget--approximately 2 ½ percent increase. But, when budgets, pensions, health insurance, etc., all go up, the Town is out of money. The schools must be maintained to provide a quality education so even small increase in school budget puts Town in difficult situation. Expressed need for diligence in Town staff changes. Maximize revenue opportunities to provide the services that the citizens want and expect. Also, for Franklin and the rest of country is a rapidly aging population. This has implications for ambulance, Senior Center and support they need from community and how Town will deliver and provide services.

Ms. Pfeffer stated the Benjamin Franklin Charter School takes \$4.3 million away from Town's Chapter 70 allocation. The school is looking to expand to include grade K to grade 12. If the Benjamin Franklin Charter School finds a new location and moves out of Franklin, some of the students will move back into the Franklin school system; therefore, some of the money would be absorbed back into the Franklin schools' budget.

Mr. Nutting noted that the Town lost 529 elementary students in last five years. It is projected that the Town will lose a few hundred more over time, so it seems there would be space in the elementary schools.

Mr. Feldman questioned whether any changes would be expected with the new administration coming in the State.

Mr. Nutting remarked that the State will need to fill gaps as the State faces same pressures the Town has with large healthcare costs and debt issues.

Mr. Nutting cited the *Master Plan* document and stated a good faith effort to address as many issues as possible over the decade for the betterment of the community.

Chairman Vallee stated a good job as usual.

SUBCOMMITTEE REPORTS: None.

LEGISLATION FOR ACTION:

Resolution 15-01: Acceptance of Gift – Council on Aging: Councilor Pfeffer read the resolution for the acceptance of a gift for the Council on Aging. **MOTION to Accept** by Mercer. **SECOND** by Padula. **Discussion:** A thank you letter will be sent. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 15-745: Amendment to Chapter 185, Attachment 7, part VI, Use Regulation Schedule, Residential Uses, Office Zoning District – 1ST Reading: Councilor Pfeffer read the resolution for the zoning bylaw amendment 15-745. **MOTION to Move** for second reading by Mercer. **SECOND** by Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS: ► Mr. Bissanti stated that the Town really needs to vet the workforce housing multi-family zone in Franklin. Also, the Town needs to come up with a better zone than R5. The south side of Rt. 140 seems ideal for a commercial zone. Council members are getting emails and inquiries about what to do with the West Central corridor. ► Chairman Vallee asked why the entire area cannot be rezoned. ► Mr. Nutting indicated the area is a traffic nightmare where two lanes merge into one. Also, the State will probably not work to widen this road; therefore, the Town will not get funding to fix 800 ft. of roadway. ► Chairman Vallee asked if Town could widen the street. ► Mr. Nutting suggested this discussion during a workshop. ► Mr. Nutting mentioned that Representative Roy organized a meeting for Town Council members and business owners in Franklin, and experts in biotech and medical products' fields. One of the local businesses offered assistance in marketing the industrial areas in Franklin to these groups through trade shows and outreach methods. ► Chairman Vallee hopes more Council members will attend the next meeting.

COUNCIL COMMENTS: ► Mr. Kelly mentioned that Town Council members are responsible for the Town of Franklin and the 34,000 residents. Sometimes a Council meeting may get contentious, but members do their absolute best to represent the citizens. For instance, currently, the OPEB is \$89 million in debt. These are concerns that the Council must address and figure out in the best interest of the community. Council members take each comment and concern by a resident very seriously and try to provide best responses. Councilors do not get paid, it is a volunteer position. Councilors work very hard for their constituents. ► Mr. Bissanti mentioned that the audience must be aware that the Councilors do not know the future and have no way of knowing what will be coming back from the RFPs. He hopes the audience continues to stay in touch and follow the proceedings. ► Mr. Feldman thanked everyone for attending the meeting.

ADJOURN: MOTION by Kelly to **Adjourn. SECOND** by Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.** Meeting adjourned at 9:30PM.

Respectfully submitted,

Judith Lizardi