

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
April 15, 2015**

A meeting of the Town Council was held on Wednesday, April 15, 2015 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Brett Feldman, Matt Kelly, Thomas 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.

**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. This meeting may also be recorded by and available on *Franklin Matters*.

**PROCLAMATIONS/RECOGNITIONS:** None.

**CITIZEN COMMENTS:** ► Richard Griffin, 577 Pleasant Street, praised the excellent snow removal job done by the Town during this difficult winter. ► Dale Lippert, 8 Beth Road, provided photographs showing flooding on property beginning in 1970, project plans for the pumping system, and pictures of Town workers installing pumping system. He reiterated the apparatus installed not only includes a pump and generator, but a discharge pipe, manholes in front and back yards and catch basin all connected by perforated pipe. Although the entire system is currently working, it has been left unchecked. Expressed concern about recent letter sent by DPW stating the Town is eliminating responsibility of this issue. The flooding affects residents of four properties. Also, the pump house lock is on the ground. ► Al Clark, 53 Crocker Avenue, stated his front yard is ripped up and covered with water due to the grading on the street from recent water line installation work in area. As well, neighbor is getting water in basement as a result. Would like to make sure this road issue gets addressed. As well, many vehicles have been speeding on road and would like to get street sign indicating children are present.

**HEARINGS:** None.

**LICENSE TRANSACTIONS:** ► *Hamra Noodles, LLC, D/B/A Noodles & Company New License*. Ms. Pfeffer read the motion. **Discussion:** ► Kenneth Allen, Vice President and General Counsel of Hamra Noodles presented information on this franchise and other operations and stated support for beer and wine license at 648 Old West Central Street. Building size is 2,500 sq. ft. with seating capacity of 70. ► Joel Aldrich, Regional Director of Operations, provided information about the company including restaurant type, menu, operation hours and staff training, and stated beer and wine is an addition to the meal as this is not a bar environment.

Customers requesting liquor must order at counter and show ID. Liquor license hours will coincide with hours of operation seven days per week from 11a.m. to 10 p.m. He would be willing to consider ID scanners for liquor sales which are approximately 2% of overall business.

► Matthew Gaudreau, Manager, commented on staff training and teaching information for new employees. Has prior experience and will be on premises 45-50 hours per week. About 40% of business is take-out. ► Mr. Cerel stated when food service is stopped, alcohol service must stop.

► Sarah Brady, owner and abutter, 658 Old West Central Street, strongly objected to the building, parking spaces, site line visibility and location of transformer and stated her comments have been ignored. In addition, a liquor license should not be granted to an establishment next to a residential building. **MOTION** by **Bissanti** to **Approve** the new Wine and Malt beverages license for a new restaurant located at 648 Old West Central Street. **SECOND** by **Padula**.

**VOTE to Approve: Yes-9, No-0.**

► ***Gill N Sidhu, LLC – Chinese Mirch - Change of DBA.*** Ms. Pfeffer read the motion.

**Discussion:** Mr. Kelly stated disappointment that applicants did not attend meeting and requested to continue this change of D/B/A until next Council meeting when applicants are present. **MOTION** by **Kelly** to **Continue** the change of D/B/A to Chinese Mirch for the License held by Gill N. Sidhu, LLC. **SECOND** by **Dellorco**. **VOTE to Continue: Yes-9, No-0.**

► ***Maguro House- New Officer and Director, Transfer of Stock and New Stockholder.*** Ms.

Pfeffer read the motion. **MOTION** by **Pfeffer** to **Approve** the application for new officer/director, transfer of stock and new stockholder. **SECOND** by **Kelly**. **VOTE to Approve: Yes-9, No-0.**

**PRESENTATIONS/DISCUSSIONS:** ► ***Curbside Collection – Brutus Cantoreggi.*** As Mr. Cantoreggi was unavailable, Mr. Nutting provided an overview of curbside collection. Currently, in the process of renewing five-year contract with Waste Management. Requested proposals from other companies, but none were competitive. Extra collections for yard waste designated at two in spring and two in fall with additional Christmas tree pick-up in January. Each costs \$10,000, but yard waste collections only used by approximately 12% of customers. Council should consider reducing yard waste collections to one each in spring and fall. Also, Council should consider changing bulk burnable item pick-up to \$20 fee. If both changes made, could reduce annual fee by \$4.00 per household. This savings would offset the increase in overall price; therefore, current rate could remain in effect. If residents opposed reduced extra collections, could reinstate. ► Mr. Kelly stated that opening the Transfer Station on Sundays was a great idea. Requested language in new curbside collection contract regarding trash collection plans after weather and other events which postpone scheduled collection days. ► Mr. Nutting stated having discussions with contractor to determine what can be done to make easier.

**SUBCOMMITTEE REPORTS:** ► Economic Development Committee decided to proceed with the RFP process for Pond Street in two-pronged approach. Simultaneously requesting proposals for mixed-use with residential component, and a solar component as a separate RFP. EDC did not feel putting one out before the other would be fair to either project. ► Capital Subcommittee met this evening and items will come to Council on May 6, 2015 for approval.

## LEGISLATION FOR ACTION:

1. **Resolution 15-15: Appropriation and Authorization to Borrow for Purchase and Renovation of Improved Property for Franklin Recreation Department.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15-15 by Mercer. SECOND by Dellorco.**  
**Discussion:** ► Mr. Nutting stated this and next resolutions go together regarding buying building at 275 Beaver Street to relocate Recreation Department from current location at 150 Emmons Street. Will need money to renovate which can come from multiple means including sale of municipal building and increased recreation fees. Town looked at leasing property but cost-wise makes more sense to purchase building. ► Mr. Dellorco commented that there are many plans for recreation programs and building will hopefully pay for itself. ► Mr. Bissanti and Mr. Padula both affirmed good location. ► Ms. Pfeffer stated that Beaver Street will need sidewalks if there will be children walking from schools to recreation building. ► Mr. Nutting stated he will look at price for sidewalks. **VOTE: YES-9, NO-0. Passes/ Unanimous.**
2. **Resolution 15-16: Purchase of Property at 275 Beaver Street for Franklin Recreation Department's Use.** **MOTION to Waive** the reading of Resolution 15-16 by **Kelly.** **SECOND** by Mercer. **Vote: YES-8, NO-1.** Ms. Pfeffer state that resolution should be read to public. **MOTION to Waive** reading of resolution **Withdrawn** by **Kelly.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15-16 by Mercer. SECOND by Kelly.**  
**Discussion:** ► Mr. Nutting stated property is subject to 21E Environmental review. Will not buy land if found to be contaminated. Last 21E was performed in mid-1990s, underground tank was found, property was cleaned. ► Mr. Bissanti stated concern regarding hydraulic lift on the property. **VOTE: YES-9, NO-0. Passes/ Unanimous.**
3. **Bylaw Amendment 15-746: Chapter 181, Wetlands Protection – 2<sup>nd</sup> Reading.** **MOTION to Waive** the reading of Resolution 15-746 by **Mercer. SECOND by Kelly. VOTE: YES-9, NO-0. MOTION to Move Resolution 15-746 by Mercer. SECOND by Kelly.**  
**Discussion:** ► Mr. Nutting stated this allows Conservation Commission to pass investigation costs to the applicant. **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Feldman-YES; Kelly-YES; Mercer-YES; Padula-YES; Pfeffer-YES; Vallee-YES; Williams-YES. **VOTE: YES-9, NO-0. Passes/Unanimous.**

**TOWN ADMINISTRATOR'S REPORT:** ► Recognized the passing of Mr. Howard Crawford, an American hero serving in two wars. Thoughts and prayers go to family. ► Snow and ice removal is over budget by \$550,000. President turned down Governor's request and will only consider one snow event in January to be eligible for reimbursement to which Town spent \$330,000. ► Ten police officers completed training and education course by FBI. ► Will provide proposed Capital Budget at next Town Council meeting. ► Considering June 10 & 11, 2015 for budget public hearing dates. ► DelCarte playground was damaged from winter weather and currently closed due to safety hazard. Will be following up with repairs.

**OLD BUSINESS:** ► Mr. Kelly requested that pumps on Beth Road continue to be maintained and broken locks be repaired as situation is reviewed. ► Mr. Nutting stated this issue is being looked into. ► Mr. Bissanti clarified that as Town has been taking care of this situation for all these years, and does not want neighborhood underwater, the Town should continue to take care

of the pumps. ► Ms. Pfeffer stated that as the Town gave them a building permit to build the houses, the Town of Franklin is responsible to continue to fix it—otherwise, lawsuit likely. ► Mr. Nutting expressed that it may be less expensive for the Town to buy the house and knock it down than to maintain pumps. ► Mr. Dellorco stated he has spoken with former Town employees and when the flooding situation arose the pumping station was created to fix problem, and Town said they would take care of it. ► Mr. Cerel affirmed the Town has no legal liability and is not in Town's best interest to discuss this in a public forum. ► Mr. Padula stated that just because the Town made a mistake in the past, does not mean the Town needs to continue going forward, and therefore, agrees with Town Council. ► Mr. Kelly requested confirmation that while resolution is being worked out, pumps will be maintained. ► Mr. Nutting affirmed that DPW will go to location and check out this week. ► Mr. Bissanti stated that while Mr. Padula's argument is compelling, the Council members are here to help and service citizens. Mr. Lippert has been paying taxes. The drainage system plan was signed off on and Town should stand by the plans and honor the system and process that has been in place for 47 years. ► Mr. Lippert stated idea of buying house and tearing it down is not a solution because the three other houses on the road will still flood. He questioned how current DPW can eliminate responsibility. The Planning Board allowed house to be built and the pumping system was created and planned by the Town with forethought; therefore, Town should permanently maintain system. ► Mr. Cerel stated that the Town cannot spend taxpayer dollars for specific residents. ► Chairman Vallee stated he would like to visit site and requested costs to maintain pumps. ► Mr. Nutting stated many items are associated with the pumping system including electricity, propane, pumps, generator, and maintenance and will provide costs.

**NEW BUSINESS:** ► Ms. Pfeffer acknowledged the upcoming retirement of the Town Clerk and questioned if new clerk would earn the same salary. ► Mr. Nutting stated that current Town Clerk's salary is in low 80s and suggested new clerk will start in low 70s. ► Mr. Kelly requested current Town Clerk provide presentation to Town Council to speak about job. Also, requested area survey on local town clerk salaries. ► Mr. Kelly would like Council to make recommendation to Planning Board extending cul-de-sac regulations from 600 to 800 ft. ► Mr. Bissanti agrees with extension, but questions 800 ft. as Wrentham's regulation is 1,200 ft. ► Mr. Bissanti stated the ZBA language for variances is not clear and wording such as change vs. reconstruct vs. rebuild is causing variances to be denied. Language should be clarified as some variances that have been denied may have been a benefit for the Town. Would like to further discuss in workshop or committee level. ► Mr. Cerel stated that variances are standard and state statute. The issue is if have pre-existing, non-conforming and would like to make change. The current language could be more liberal in the zoning by-law and is a policy decision. ► Mr. Dellorco received emails regarding Town tree hanging on the wires at 490 Lincoln Street and is dangerous to children walking to the Sullivan School. ► Mr. Nutting stated he will call tomorrow.

**COUNCIL COMMENTS:** ► Mr. Kelly stated Town will greatly miss Mr. Howard Crawford at the annual 4<sup>th</sup> of July parade, and extends condolences to family. ► Ms. Pfeffer stated Mr. Crawford will be greatly missed as well; he walked in every Memorial Day parade and provided wonderful stories of the past. ► Mr. Bissanti stated that Mr. Crawford was a brave Veteran and a true American hero who will be greatly missed. ► Mr. Dellorco also gave condolences to the

Crawford family. In addition, he extended condolences and prayers to the D'Aniello family, owners of the former Caravan Restaurant.

**EXECUTIVE SESSION: None.**

**ADJOURN: MOTION** by Mercer to Adjourn. **SECOND** by Kelly. **VOTE: YES-9, NO-0.**

**Meeting adjourned at 8:25 PM.**

Respectfully submitted,

Judith Lizardi  
Recording Secretary