

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
May 6, 2015**

A meeting of the Town Council was held on Wednesday, May 6, 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:** *April 1, 2015, April 15, 2015.* **MOTION to Approve by Mercer. SECOND by Kelly. VOTE: 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. This meeting may also be recorded by and available on *Franklin Matters*.

**PROCLAMATIONS/RECOGNITIONS:** None.

**CITIZEN COMMENTS:** None.

**APPOINTMENTS:** ► *Conservation Commission.* **MOTION** by Pfeffer to **Ratify** the appointment by the Town Administrator of William Batchelor to serve as a member of the Conservation Commission. **SECOND** by Mercer. **VOTE: Yes-9, No-0, Absent-0.**

**HEARINGS:** None.

**LEGISLATION FOR ACTION:**

1. **Resolution 15-17: Amending the Senior Citizen Property Tax Work-Off Abatement Program.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15-17 by Mercer. SECOND by Williams. Discussion:** Mr. Nutting stated this is a great service and rate is increasing from \$8.00 to \$9.00 per hour. **VOTE: Yes-9, No-0, Absent-0.**
2. **Resolution 15-18: Acceptance of Gift – Council on Aging.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15-18 by Mercer. SECOND by Williams. Discussion:** Mr. Nutting stated a thank you letter will be sent—they do great work. **VOTE: Yes-9, No-0, Absent-0.**
3. **Resolution 15-19: Appropriation - Fire Truck Stabilization Fund.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15-19 by Pfeffer. SECOND by Kelly. Discussion:** ► Mr. Nutting this fund was started a few years ago in order to save money for future purchase of fire trucks. This will add another \$100,000 into the fund—about halfway towards cost of new truck. This is good fiscal planning for a capital expense. ► Chief McCarragher stated the next fire truck is scheduled for replacement in 2017. **ROLL CALL VOTE (2/3 vote required):** 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.**

4. **Resolution 15-20: Appropriation – Athletic Fields Capital Improvement Stabilization Fund.** Ms. Pfeffer read the resolution. **MOTION** to **Move** Resolution 15-20 by **Pfeffer**. **SECOND** by **Mercer**. **Discussion:** ► Mr. Nutting stated that more than 10 years ago artificial fields were put in at both Beaver Pond and the High School. Due to life cycle, they will need to be replaced sometime in 2016/2017 at an estimated cost of \$1 million for both. Currently, \$455,000 in the account; this appropriation will add additional funds so when replacement needed, money will be available. **ROLL CALL VOTE** (2/3 vote required): 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.**

**PRESENTATIONS/DISCUSSIONS:** ► **Cable TV.** This presentation was rescheduled.

► **Cultural District.** Alan Mercer, Franklin Cultural District Steering Committee, provided a review of the upcoming 1<sup>st</sup> Annual Cultural Festival—a celebration of the arts in Downtown Franklin July 29 – August 2 that will include more than thirty events of all things cultural that are Franklin-based. Opening ceremonies will take place at 6pm on the Town Common. All events are family-friendly and free admission. Visit [www.franklinculturalfestival.org](http://www.franklinculturalfestival.org) and also on Facebook. Will be conducting fundraising, as well. Mr. Mercer questioned if link to festival information could be put on the Town's website. Recognized and thanked all Cultural Committee members. In addition, Mr. Mercer asked Chairman Vallee and Jeff Nutting to speak at opening ceremonies.

**LICENSE TRANSACTIONS:** ► **British Beer Company – Change of Manager.** Ms. Pfeffer read the motion. **Discussion:** Applicants did not attend meeting. **MOTION** by **Pfeffer** to **Continue** the change of manager for the British Beer Company until next Council meeting when applicants are present. **SECOND** by **Mercer**. **VOTE: Yes-9, No-0, Absent-0.**

► **Gill N Sidhu, LLC – Chinese Mirch - Change of DBA.** Ms. Pfeffer read the motion. **MOTION** by **Pfeffer** to **Approve** the change of DBA to Chinese Mirch. **SECOND** by **Padula**. **VOTE: Yes-9, No-0, Absent-0.**

► **Table & Vine, Inc. – Annual Wine & Malt Package Store - New License.** Ms. Pfeffer read the motion. **MOTION** by **Pfeffer** to **Approve** the Table & Vine, Inc., Annual Wine & Malt Package Store, New License. **SECOND** by **Mercer**. **Discussion:** ► Mr. Nutting stated a Beer & Wine License was available and this was the only applicant. ► Richard Cornetta, Attorney representing the applicant, Michael Gold, Vice President of Legal Affairs for Big Y, Matt D'Amour, member of the D'Amour family privately-owned company, and James Wilson, Store Manager, addressed the Council. They provided an overview of the Big Y store with locations in Massachusetts and Connecticut. The Franklin store was constructed in 2012 and the company has made a substantial contribution to the Franklin area. Table & Vine, Inc. is Big Y's liquor division. They hold four (4) liquor licenses in Massachusetts. If approved, this will be their smallest beer and wine establishment with 1500 sq. ft. of merchandise on location. They take their obligations to comply with all alcoholic beverage laws. Employees take training to make sure not serving to minors. Mr. Cornetta paraphrased the Mass. General Law regarding the issuance of a liquor license and stated that Town Council should take into consideration what is in the public interest. There are no schools in the immediate area. This will be a beer and wine license only, not a full service location. Big Y is looking to provide convenience and selection to their customer base. Traffic is certainly not a deterrent in this application as Big Y has already made great traffic improvements. If not in this business district, he questioned where would be a better place in the Town of Franklin to have a liquor license. Mr. Cornetta indicated that there was no quantifiable empirical data to support customers wanting this. ► Mr. Padula questioned the logistics of purchasing alcohol at the checkout cashier location. ► Mr. Cornetta stated that all parties will be required to provide ID at point-of-sale and birth date must be entered into the system before transaction can be completed. ► Mr. Gold stated there never has been an alcohol sale issue in MA

and only one issue in CT eight years ago. ► Mr. Dellorco reminded that the Council did not issue a license last year as location was too close to another liquor store. This is the same situation. ► Mr. Cerel stated that increased competition is not valid reason for denial, but public need is a requirement; as such, is there a need for another dispensary.

**Citizen Comments:** ► Mark Lenzi, Owner, Franklin Liquors, 333 East Central Street, located directly across from Big Y presented an overview of his family-owned business and stated they hold the oldest liquor license in Franklin. He asked that the Town Council consider last year's decision to deny a liquor license to a store on Union Street as another liquor store was already located across the street. This is a similar situation. What is the public need in this area? The Town must listen to the public. He asked the Council to support the small business movement in the Town. Franklin Liquors' employees are all family members and residents of Franklin. Just because Big Y put in a street light, it does not mean they meet the public need. ► Michael Rork, 8 Donny Drive, stressed that Franklin is a family-friendly and community-oriented town. This Big Y license will have an adverse effect on small local businesses. He reiterated that in March 2014 a new license was denied due to oversaturation in the area. As Shaw's, DeVitas Market, and Franklin Liquors are in immediate area, this will also be an oversaturation. There is no public need and license should be denied. ► Karen Mullin, resident of Franklin, stated she is a Big Y customer and supporter and believes this new license will not make a difference to liquor store competition. ► Sandra Verhaegen, 24 Hilltop Road, stated support for small and local businesses. Questioned public need with so many other liquor stores in area. Requested license be denied. ► Laurie Blake, resident of Norfolk, stated agreement with license.

**MOTION to Close hearing by Kelly. SECOND by Mercer. VOTE: Yes-9, No-0, Absent-0.**

**ROLL CALL VOTE to Grant License:** Bissanti-YES; Dellorco-NO; Feldman-YES; Kelly-YES; Mercer-YES; Padula-YES; Pfeffer-YES; Vallee-YES; Williams-YES. **VOTE: YES-8, NO-1. Passes.**

*Chairman Vallee called for a one minute recess at 7:59PM.*

#### **LEGISLATION FOR ACTION (continued):**

5. **Resolution 15-21: Appropriation – Capital FY 15.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15-21 by Pfeffer. SECOND by Mercer. Discussion:** ► Mr. Nutting said he is required to prepare 5-year capital plan. Typically, free cash used to fund capital improvements such as outlined here. Mr. Nutting clarified items and projects on the list. Department heads were in attendance to answer questions, if needed. ► Mr. Kelly thanked Councilors/Subcommittee members for hard work. **Citizen Comments:** ► Donna Grant, 31 Longfellow Drive, asked that Chestnut Street be included in the engineering design proposal for much needed sidewalks and thanked Council. ► Mr. Nutting confirmed location of sidewalks. **VOTE: Yes-9, No-0, Absent-0.**

*Mr. Padula left the meeting.*

6. **Resolution 15-22: Appropriation - Sewer Enterprise Capital FY 15.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15-22 by Pfeffer. SECOND by Mercer. Discussion:** ► Mr. Nutting stated this will put a generator in one of the pump stations. Cook's Farm Development is providing \$100,000 for this. **VOTE: Yes-8, No-0, Absent-1.**
7. **Resolution 15-23: Appropriation – Water Enterprise Capital FY 15.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15-23 by Pfeffer. SECOND by Mercer. Discussion:** ► Mr. Nutting stated this is for water line improvements. **VOTE: Yes-8, No-0, Absent-1.**

8. **Resolution 15-24: Authorization to Issue Request for Proposals – Pond Street Property.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15-24 by Pfeffer. SECOND by Mercer.**  
**Discussion:** ► Mr. Nutting stated this resolution is to issue two (2) RFPs with this as solar component as outlined in proposal. Would like to have it run for approximately six weeks. ► Mr. Bissanti thanked the Economic Development Committee members as well as neighbors for their input. As such, it was decided to have two RFPs released simultaneously. **VOTE: Yes-8, No-0, Absent-1.**
9. **Resolution 15-25: Authorization to Issue Request for Proposals – Pond Street Property.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15-25 by Pfeffer. SECOND by Mercer.**  
**Discussion:** ► Mr. Nutting stated this is a more traditional development and allows mixed use by zoning, but excludes apartments. RFP process includes steps to advertise, receive submitted proposals, review by EDC, bring recommendations to Town Council, hold public hearing, and make decision requiring 2/3 vote. ► Mr. Bissanti stated for this mixed use RFP the EDC worked diligently to ensure economic needs of the Town and considerations/recommendations of the neighbors were met. **VOTE: Yes-8, No-0, Absent-1.**
10. **Bylaw Amendment 15-747: Amendment of Service Fee Rates – Solid Waste and Recycling-1<sup>st</sup> Reading.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15-747 to a second reading by Mercer. SECOND by Kelly. Discussion:** ► Mr. Nutting stated fee will be going down. **VOTE: Yes-8, No-0, Absent-1.**

**SUBCOMMITTEE REPORTS: None.**

**TOWN ADMINISTRATOR’S REPORT:** ► Wished Bob Fahey the best on his retirement. ► Received several letters from residents thanking the Fire Department for their great work. ► Reminded everyone Beautification Day is May 16<sup>th</sup> beginning at 9AM—meet Downtown at the bridge. All are welcomed. ► Continues to have bi-weekly meetings with Main Street developer. Putting in drainage structures now. Concerned that project is not proceeding in a timely fashion—will keep everyone informed. ► Getting regulatory notices about the potential gas line on the existing right-of-way that follows the high tension lines in Franklin with hearing scheduled for May 14, at 6:30PM, at the Hawthorn Suites. All are welcomed to attend and be heard. This is controlled by the Federal Government. ► Would like confirm dates of June 10 & 11 for Budget hearing.

**OLD BUSINESS:** ► In response to Mr. Feldman’s concern regarding the DelCorte playground, Mr. Nutting stated he is waiting for engineer to view and expects it will take time. ► In response to Mr. Bissanti’s question regarding the Beaver Street property, Mr. Nutting stated the Purchase and Sale agreement was signed yesterday. Will conduct 21E process and if no environmental issues the closing will be in July.

**NEW BUSINESS: None.**

**COUNCIL COMMENTS:** ► Mr. Kelly mentioned the great meeting held with residents regarding the New England Power Line cutting and easement. This is a great opportunity to work with both citizens and a large corporation. In addition, he stated congratulations to Bob Fahey on his retirement. As well, he questioned if night work can be done on Downtown project. He is very concerned about construction work and does not want to see Downtown small businesses suffer. Also, he stated he is glad so many residents come to Town Council meetings to state what they are for and against and thanked citizens for their input. ► Mr. Nutting stated he will ask again, but most likely night work is not an option for the Downtown project. ► Mr. Bissanti gave his thoughts and prayers to Beth Wittcoff, Principal, Annie Sullivan Middle School, and her family and sends best wishes. As well, he gave condolences to Bruce

Hunchard, ZBA Chairman, as his mother recently passed away. In addition, he remarked that this Town Council greatly supports small businesses and takes great interest in doing everything that is best for community and Town of Franklin. ► Mr. Mercer offered prayers and condolences the family of Bill Goode, a member of the new high school building committee.

**EXECUTIVE SESSION: None.**

**ADJOURN: MOTION by Kelly to Adjourn. SECOND by Williams. VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 8:32PM.**

Respectfully submitted,

Judith Lizardi  
Recording Secretary