

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
July 8, 2015**

A meeting of the Town Council was held on Wednesday, July 8, 2015 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Brett Feldman, Matt Kelly, Peter Padula, Judith Pond Pfeffer, Robert Vallee, Steve Williams. Councilors absent: Thomas Mercer. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Mark Cerel, Town Attorney.

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: *June 10, 2015, June 11, 2015 Budget Hearings, June 24, 2015.* Motion to **Approve** by **Kelly** the June 10, 2015, June 11, 2015 Budget Hearings, June 24, 2015 meeting minutes with the following correction to the June 24, 2015 minutes:

Resolution 15-43: Appropriation-FY15 Fire Wages (Arbitration Award). Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 15-43 by **Padula**. **SECOND** by **Kelly**.

SECOND by **Bissanti**. **VOTE: 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. This meeting may also be recorded by and available on *Franklin Matters*.

PROCLAMATIONS/RECOGNITIONS: None.

CITIZEN COMMENTS: None.

APPOINTMENTS: ► **Cultural Council.** Ms. Pfeffer read the recommendation to appoint Gia Podobinski and Justin Haslett to serve as members of the Cultural Council. **Motion to Ratify** the appointment of Gia Podobinski and Justin Haslett to serve as members of the Cultural Council by **Kelly**. **SECOND** by **Padula**. **Discussion:** Mr. Nutting stated the applicants have much experience and enthusiasm for cultural development. **VOTE: Yes-8, No-0, Absent-1.**

► **Charles River Pollution Control District.** Ms. Pfeffer read the recommendation to appoint Joseph V. Cameron to serve as a member of the Charles River Pollution Control. **Motion to Ratify** the appointment of Joseph A. Cameron to the Charles River Pollution Control by **Pfeffer**. **SECOND** by **Kelly**. **Discussion:** In response to a question, Mr. Nutting stated that many applicants for such positions are aware of openings through the Web and Globe West. **VOTE: Yes-8, No-0, Absent-1.**

► **Registrar of Voters.** Ms. Pfeffer read the recommendation to appoint Lois D'Amico to serve as a member of the Board of Registrars. **Motion to Ratify** the appointment of Lois D'Amico to serve as a member of the Board of Registrars by **Pfeffer**. **SECOND** by **Kelly**. **No Discussion.** **VOTE: Yes-8, No-0, Absent-1.**

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: *Franklin Advisory Committee.* Larry Benedetto, Chairman Franklin Advisory Committee, addressed the Town Council to provide an update of the work down during the past year. He stated it is the Committee's opinion that the Town is heading in the right

direction with quality development that enhances the community, expands the tax base, creates revenue and is aesthetically pleasing. There are very few complaints and many compliments about the helpfulness and cooperation of employees. He stated they believe the Town is in a better place than previously with being attractive to investment and competitive with neighbors. Some issues and topics the Committee has been involved with include: cul-de-sac issue, neighborhood commercial development master plan, parking regulations and requirements, South Franklin Church Meeting House, Site Plan review and Limited Site Plan review, Gateway initiative, the Train Station, rezoning issues on RVI and RVII, unkempt property bylaw—abandoned or foreclosed properties, urgent care facility, land swap on Beaver Street, amendment to Chapter 185-18 regarding ability to reconstruct and rebuild nonconforming properties, expand and improve working relationship with Dean College, Downtown aesthetics, housing, and the property at the corner of Rt. 140 and Rt. 495 which is currently a salt barn. Mr. Benedetto complimented Jeff Nutting for working with the Franklin Advisory Committee.

Council members requested information about the contributions of Dean College to the community. Mr. Benedetto responded that Dean has provided education for police officers, lent facility space for meetings, and were helpful to Franklin on business and education council. It was mentioned that Dean College President Paula Rooney came before the Town Council a few years ago and offered reduced courses for high school students in advanced placement and provided a four-year scholarship to a Franklin High School graduate. Mr. Nutting stated Dean College also offers free education to all Town employees and people over 65 years old. Mr. Benedetto stated that the college is a very positive influence in the Town as the maintenance of their buildings and property is aesthetically pleasing. Council members suggested beginning a dialogue with the college.

SUBCOMMITTEE REPORTS: None.

LEGISLATION FOR ACTION: *(Item taken out of order from agenda)*

- 1. Bylaw Amendment 15-749: Amendment to Chapter 139-14 Sewer System Map – 2nd Reading.** Ms. Pfeffer read the amendment to Chapter 139-14 Sewer System Map adding 14 Crocker Avenue as an eligible location. **MOTION to Move** Bylaw Amendment 15-749 by **Padula**. **SECOND** by **Kelly**. **Discussion:** ► Mr. Nutting stated the application is for a single-family extension on Crocker Avenue which will be completed prior to the reconstruction of the entire street and recommended approval. Mr. Donald Nielsen, Engineer for Guerriere & Halnon, Inc., and Kathy Harland, property owner, addressed the Town Council. Mr. Nielsen stated he met with Board of Health Director David McKearney on site and after a thorough review of the property Mr. McKearney recommended proceeding in this direction. Mr. Nielsen provided a review of application and plans to extend the sewer force main using 1 ¼ inch line. **VOTE: Yes-8, No-0, Absent-1.**

HEARINGS: Violation of M.G.L. 138 §34: Sale, Delivery or Furnishing of an Alcoholic Beverage to a person under the age of 21 – Dacey’s Market at 345 Lincoln Street. Chief of Police Stephan Semerjian addressed the Town Council and read a narrative of the violation. In addition, he stated two officers involved were present at this meeting.

Mark Cerel, Town Attorney, stated that he had spoken with Mr. Swetal Patel, owner of Dacey’s Market. Mr. Cerel swore in Police Sergeant Jason Reilly.

Under oath, Officer Reilly testified to the Council as to his observations regarding the violation incident of June 19, 2015 at Dacey’s Market. He indicated that he saw only one employee in the store at the time, but could not confirm if it was Mr. Patel.

Mr. Patel stated that the store employee carded the purchaser of the alcohol who possessed a license from Rhode Island and the \$2,000.00 machine in the store that verifies the validity of licenses indicated the license was valid. He questioned how the store employee would know it was a fake ID when the machine verified it as valid.

Chief Semerjian stated the valid forms of identification for alcohol purchase are Massachusetts ID and Massachusetts Operator's license. An out-of-state license is not an acceptable form of ID for alcohol purchase for a person under age thirty. Chief Semerjian stated that the minor who purchased the alcohol stated that he was not asked for ID.

Mr. Patel provided seven letters from the Police Department stating Dacey's Market is doing a good job—and questioned how could it be that Dacey's is not asking for ID from their patrons. Mr. Patel also showed two out-of-state licenses that he had confiscated because they were invalid.

Mr. Cerel asked that the minutes of the May 25, 2011 Town Council meeting be put into record indicating at which time there was a Violation Hearing for Dacey's Market for the sale of alcohol to an underage individual. The result was a three-day liquor license suspension.

Mr. Patel stated that in 2011 he had just purchased the store. After the incident of May 25, 2011, he purchased the license scanner machine. Mr. Patel also stated he called the Alcoholic Beverages Control Commission (ABCC) and they stated that it is allowable to sell liquor to an individual with an out-of-state license with proof of age as long as the machine indicates the license is valid. The ABCC does not state that alcohol can only be sold to a person with a Massachusetts license.

Chief Semerjian indicated that it is illegal to use a false ID.

Mr. Bissanti stated that the youths that are producing and using fake IDs must bear some of the responsibility and be held accountable for using fake IDs.

Mr. Patel stated he can call the company of the machine to get the report to indicate that the license was submitted into the machine. He expressed concern that the machine reported the license was valid and questioned what is he to do. Mr. Patel stated he does have a camera in the store. He offered to bring the employee selling the alcohol to the underage person and the camera footage of the incident to the Council if requested.

Mr. Cerel swore in Patrolman Steven Hamilton. Patrolman Hamilton stated that as he conducted the car stop, he did confiscate the individual's fake Connecticut license ID—it was not a Rhode Island license. Patrolman Hamilton stated that the individual said he did not use the license during the purchase of the alcohol at Dacey's Market.

Mr. Williams stated that to purchase alcohol in Massachusetts the only acceptable forms of identification are a Massachusetts license, Massachusetts liquor ID, and military ID.

Mr. Cerel stated that there is no defense provided for selling alcohol using any other form of ID.

MOTION to Close the public hearing by **Kelly**. **SECOND** by **Padula**. **VOTE: Yes-8, No-0, Absent-1.**
Discussion: ► Mr. Cerel provided background on the policy on liquor sale offenses and violations. Mr. Cerel recommended a seven-day suspension with three days to be served and four days to be held in abeyance for two years.

MOTION to Approve seven-day suspension with three days to be served and four days to be held in abeyance for two years by **Pfeffer**. **SECOND** by **Padula**. **Discussion:** ► Mr. Kelly requested to amend the motion to four days served and three days to be held in abeyance for two years. Mr. Nutting recommended these days be served consecutively starting July 16, 2015 pending an appeal. Mr. Cerel noted that Mr. Patel has five days to file an appeal with the ABCC. **MOTION to Move as Amended** to four days to be served and three days to be held in abeyance for two years with the four days to be served consecutively beginning July 16, 2015 by **Kelly**. **SECOND** by **Padula**. **VOTE: Yes-8, No-0, Absent-1.**

LEGISLATION FOR ACTION: (Continued)

2. **Resolution 15-46: Appropriation-Water Enterprise – Prior Year Bill – 9/10 Vote.** Ms. Pfeffer read the resolution that a prior year bill in the amount of \$1,926.72 be paid from the FY 2015 Water Enterprise Operating Budget. **MOTION to Move** Resolution 15-46 by **Pfeffer**. **SECOND** by **Kelly**. **Discussion:** ► Mr. Nutting stated the Town received a letter from the MBTA for a past bill that needs to be paid. **VOTE: Yes-8, No-0, Absent-1. Unanimous.**
3. **Resolution 15-47: Appropriation-Other Post Employment Trust Fund--2/3 Vote.** Ms. Pfeffer read the resolution to transfer \$1,875,334.64, plus any accrued interest, from Other Post-Employment Benefits Stabilization Fund to the Other Post-Employment Benefits Trust Fund. **MOTION to Move** Resolution 15-47 by **Pfeffer**. **SECOND** by **Kelly**. **Discussion:** ► Mr. Nutting noted the obligation to fund OPEB and this transaction would take money out of the Stabilization Fund and put it in the Trust Fund; therefore, would be able to invest it with the State and could possibly get 6-8%. Relied on outside professionals to do due diligence to make this decision. **VOTE: Yes-8, No-0, Absent-1. Unanimous.**
4. **Zoning Bylaw Amendment 15-750: Zoning Map Changes from Industrial to General Residential V District in an Area on or near Dean Ave. – Referral to Planning.** Ms. Pfeffer read the amendment. **MOTION to Move** Zoning Bylaw Amendment 15-750 by **Pfeffer**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated the purpose of this zoning bylaw amendment is to begin a public process to change the zoning laws for the last piece of industrial zoned property in Downtown Franklin to multi-family. It might be an opportunity for economic development for this area. Mr. Bissanti stated this is a great thing and confirmed with Bryan Taberner, Director of Planning and Community Development, that this would be for Residential V District. **VOTE: Yes-8, No-0, Absent-1.**
5. **Bylaw Amendment 15-748: Amendment to Chapter 128 Peddling and Soliciting – 2nd Reading.** Ms. Pfeffer read the bylaw amendment that commercial solicitations shall be limited to the period between 9:00 a.m. and the earlier of 7:00 p.m. or one-half hour prior to sunset. **MOTION to Move** Bylaw Amendment 15-748 by **Pfeffer**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated this addresses a problem from earlier this year in which people were soliciting commercial products after dark and knocking on residents' doors. This would still allow soliciting but in a safer manner. **VOTE: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting thanked Dianne Blanchard who will be retiring next week for her many years of loyal and dedicated service. She is an exemplary employee and has done a tremendous job. He wished her best of luck in her retirement. ► Mr. Nutting thanked Fourth of July committee for their hard work last weekend. ► The Downtown project continues and he will try to update residents on a bi-weekly basis. Work will continue north of Emmons Street up to Moore Avenue in the next few weeks and will continue to put in bases for period street light pieces. If any citizens or businesses have any questions, please call. ► Received notice that Algonquin Gas resubmitted their application and will start again with the process. ► Mr. Nutting stated the need for an executive session as

listed on the agenda. ►The Company will be onsite the week of July 27th to work on the DelCorte playground. ►There is an EDC meeting scheduled for next Wednesday at 6pm.

OLD BUSINESS: ►Mr. Feldman stated the State legislators agreed on a budget and he asked Mr. Nutting if there was anything of note. ►Mr. Nutting stated that State aid did not change. Representative Roy said many of his amendments were included in the budget. The Governor has ten days to veto any portion of the budget. The House then can override any veto by 2/3 vote. Mr. Nutting stated it seemed like a good budget and hoped some of the things Franklin needs will come through. In regards to the Pond Street RFP, Mr. Nutting stated many people wait until the last day to submit, so no additional information is available yet. ►Ms. Pfeffer stated concern regarding the sixteen overdose deaths of Franklin residents ages 20-35 in 2014. In reviewing Town of Franklin reports over the past years, the detective division of the Police Department continually changed the reporting methods regarding overdosing, deaths, calls for ambulance and drug arrests. The reporting of these items should remain consistent throughout the years as there is not enough consistent information on the drug problem. As well, although there have been presentations and discussions in the Town Council meetings and the Opiate Coalition, the Town needs to be doing more to help stop this drug problem. Ms. Pfeffer also discussed a presentation she recently attended for a fundraiser for Forever Home regarding the saving of dogs that are scheduled to be euthanized. The Stoughton Police Department saved one of these dogs and now has a dedicated drug-dog in the Town. She stated the Town Administrator and Police Chief should be looking at such possibilities to help the opiate problem. For instance, instead of funding various administrative positions, the money could be better used for a drug-dog and required training. ►Mr. Dellorco stated support as drug dogs do a tremendous job. Mr. Dellorco also stated the Opiate Coalition provided a good presentation at the meeting. He mentioned the next Opiate Coalition meeting is scheduled for August 12, 2015 and there will be good speakers and presentations. ►Mr. Williams stated the Town has a dog that is cross-trained for search and rescue and drug search. The dog has his own handler and car. Also, as part of Metropolitan Law Enforcement Council, Franklin has access to 60-80 dogs that can be brought to Town quickly as necessary for any situation. ►Mr. Bissanti stated this is a problem that has been known about and is not a new problem and it must be talked about. Drugs in Franklin are a problem.

NEW BUSINESS: ►Mr. Bissanti stated he heard there was one solar RFP on the table and hopes that more will surface. He is looking forward to receiving all RFPs for the Pond Street property. ►Mr. Nutting stated the RFPs must be received on time or they will be thrown out; the Purchasing Director will open them. Mr. Nutting will send out an email tomorrow afternoon regarding the RFPs received. ►Chairman Vallee stated Franklin is the only town in the area that does not provide fireworks for its citizens. He requested Mr. Nutting conduct a poll of nearby towns to determine who pays for the fireworks in other communities and look into providing fireworks for Franklin. Chairman Vallee stated the Town should sponsor Fourth of July fireworks for citizens just as the Town provides lights in the Common during the holidays. ►Mr. Nutting stated he would look into this, but it may not be a legal expenditure. ►Mr. Bissanti stated he believed Franklin does not have fireworks because there is not a place to set them off. ►Mr. Nutting stated the State Fire Marshall came out to determine a location that fireworks could be set off in Franklin; Beaver Pond, the dump and many other places were ruled out due to lack of space. It must be a space where the fireworks are safe and 20,000 people can congregate.

COUNCIL COMMENTS: ►Mr. Kelly requested Mr. Nutting reach out to DPW Director to better coordinate plans with Walsh contractors and Gas Company regarding detours required due to Main Street and Downtown work as there are too many detours. Mr. Kelly thanked Sergeant Jason Reilly and Officer Hamilton for stepping up and doing the right thing in regards to the violation of the sale of alcoholic beverages to a minor. ►Mr. Padula stated he heard the cost for the Fourth of July laser show was about the same cost as fireworks at \$14,000. In addition, he stated the Recycling Center has been getting great results--499 people were there one week ago Saturday. ►Mr. Dellorco stated he agreed fireworks would be great and a place to have them must be found. Many residents miss the fireworks. He noted the next

Opiate Coalition meeting is scheduled for August 12, 2015. ► Ms. Pfeffer congratulated Lisa Audette, Executive Director of the Franklin Housing Authority, for being elected President of the Massachusetts Chapter, National Association of Housing & Redevelopment Authorities (MassNAHRO). In addition, Ms. Pfeffer stated it seemed like wheelchairs would have difficulty on the new sidewalks on Emmons Street due to the many telephone poles. ► Mr. Nutting stated he will confirm that wheelchairs have the required forty-two inches and mentioned that new sidewalks will also be installed on East Central Street. The Town website is updated with construction information every two weeks.

EXECUTIVE SESSION: *Collective Bargaining Police, Police Sergeants, and Library.* MOTION to Move by Pfeffer that Town Council enters executive session for discussion of Collective Bargaining Police, Police Sergeants, and Library. **SECOND by Feldman. ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Feldman-YES; Kelly-YES; Padula-YES; Pfeffer-YES; Vallee-YES; Williams-YES. **YES-8, NO-0, Absent-1.**

Town Council Meeting Public Session ended at 8:33 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary