

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
August 5, 2015**

A meeting of the Town Council was held on Wednesday, August 5, 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. Councilors absent: Steve Williams. 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: *July 8, 2015.* **Motion to Approve** the July 8, 2015 meeting minutes by **Padula. SECOND by Kelly. 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 others.

PROCLAMATIONS/RECOGNITIONS: None.

CITIZEN COMMENTS: ► *Ken Norman, Board of Directors for Franklin TV.* Mr. Norman stated the Franklin TV studio will be open for candidates that qualify for the ballot this fall. They will be welcome to come in to sit down in front of the camera to talk about why they are running. Franklin TV envisions packaging three segments into one-half hour segment. These broadcasts will then run throughout the election season. Any candidate qualified for the ballot can come down to the studio at 23 Hutchinson Street and can call for an appointment at 508-541-4118. ► *Gail Irwin, 56 Hilltop Road,* stated she understood three RFPs for the Pond Street parcel were received and the Town Council collectively was not happy with what was received in the RFPs in terms of revenue that would be generated. She noted there has been some talk about doing another RFP and soliciting for a hotel. She would like to reiterate displeasure with having a hotel and displeasure with the Town Council for not looking at traffic and issues that exist on Pond Street. She had believed there were some assurances by Town Council and is concerned that these assurances are not going to continue to be in place because of the disappointment with the current RFPs. It seems that the Town Council wants to continue to pursue their own agenda and they are not listening to the constituents in Franklin. As well, the few constituents that show up to the meetings are made to feel inferior for speaking their minds and being referenced as “squeaky wheels” is inappropriate. ► *Sandra Verhaegen, 24 Hilltop Road,* wanted to add to the Pond Street parcel concerns. She addressed a point made at the last EDC meeting to return to another RFP as this is ideal commercial land. She stated she understands that from a perspective of money, and money only, that the proximity to Route 495 may seem like a good parcel, but that is where it stops being ideal. It is made up of a residential area with many residents who have repeatedly at many meetings for the past year said that they do not want a hotel or commercial space there. The major intersection that would be travelled to the hotel or commercial land has been identified by the State as a Grade F. Many times residents have come before the Town Council and stated that the intersection is a problem and it seems to get dismissed. After hearing from all the concerned citizens a study was paid to be done and the information received was exactly what the residents have been telling the Town Council for over a year. This makes clear that the residents know what they are talking about and should be listened to. Also, this is not an ideal spot as forest land will be destroyed and the proximity will impact the wetlands. To think that this is an ideal commercial land is shortsighted, senseless and shows lack of due diligence, not to mention complete disregard for constituents who have spoken out against this. She stated that three RFPs were received and although many in the community would like the solar panels, they understand that the solar panels are not

ideal for revenue. An RFP was received for condos; although it is not what the citizens would love there, the citizens do feel it is something that would be less impactful to the community, bring in revenue to the Town, and although not a win-win, it would give both sides a compromise. She stated she hopes the Town Council will think about this in a new direction. We do not want the Town to just grow for the sake of growth, we want the Town to grow with a vision and the potential to become better than it already is. ► **Stephanie Pazniokas, 4 Hilltop Road**, would like to state the following information for the record for this meeting and all future meetings regarding Pond Street as she cannot attend all meetings. She expressed concern with a previous comment and impression that she received that if citizens do not attend every meeting, then anything they said at a prior meeting no longer matters. She stated for this meeting, EDC meetings, and any other meetings regarding Pond Street that she agrees with her neighbors that this is not ideal for commercial property for a hotel. She has read all three current proposals and the only one viable is the condos. She has never been favorable to commercial, but did agree to the residential rezoning and felt this was a compromise. She has spoken with many people in the community with flyers and through Facebook groups and although they cannot all get to the meetings, they have not changed their minds. They are all trying to work toward the common good for Franklin. This is a residential area and it would be a detriment to this area to put any kind of commercial or hotel there. She asked that the Town move forward with considering the proposal for the eighty condos that has been received as a viable compromise. ► **John Pazniokas, 4 Hilltop Road**, stated he wanted to discuss traffic and that those in our community feel that we are not being heard. In every meeting there is discussion of traffic in the Pond Street area; however, during the EDC meeting to discuss the three received RFPs he heard it mentioned that the issue of traffic had not been raised before. He stated this is of great concern because the traffic issue has been consistently brought up and talked about. The primary item the residents are concerned about is traffic and the moment that residents were not at a meeting to bring it up, the traffic issue was ignored. It is being made to seem that residents must attend every meeting to voice repeated concerns, but this is not practical. Residents would like to get some dialogue going between community members, Town Council, and Economic Development Committee. He also stated that the residents and community members are being condescended by both the Council and Committee. He requested to go on record that just because he is not able to attend every meeting, this does not mean he is agreeing with what is discussed at each meeting. Each resident that attends the meetings does not just represent one person, they represent several community members.

HEARINGS: Zoning Bylaw Amendment 15-750: Zoning Map Change from Industrial to General Residential V District in an Area on or Near Dean Avenue. Ms. Pfeffer read information regarding the zoning bylaw amendment for the six (6) parcels for approximately 26 acres to be changed from Industrial to General Residential V District in an area on or near Dean Avenue. **Discussion:** ► Mr. Nutting stated that the Planning Board held a public hearing and recommended approval with a vote of 3-Yes/0-No. This action is a result of the work on the 2013 Master Plan recommendation for potential rezoning in the Downtown area that should be considered by the Town Council. This includes the basic area of Thomson Press Building and Franklin Lumber. If this zoning were changed it would allow for multifamily housing: condos or apartments. The thought seems to be that the people that may choose to live there would take the train to commute to Boston. ► Steve Sherlock, Franklin Matters, stated it seemed like if this were to be rezoned to Residential V rather than remain Industrial, there would be a revenue loss as the rate is the same but the valuation of the property would be less for Residential. He asked for information on the studies. ► Mr. Nutting stated that the assessors can explain in more detail, but there would be no revenue loss because of the way the tax base works in Massachusetts. If a building goes up and then disappears, the Town still collects the taxes because it is imbedded in the tax base. So if property goes from commercial to residential, it does not mean that the money goes away. Also, the value of the new development could outweigh the value of the old development which would allow for the collection of more taxes from the new growth. Commercial property is based on income and therefore the old buildings are probably not getting much value per square foot. ► Mr. Feldman stated there is much contention over the Pond Street area, but this is an example of a clear win as it is an area that is currently

underutilized and can look at this rezoning as a smart growth opportunity for more residences and multifamily near the train. This shows an example of how things can work.

MOTION to Close public hearing for Zoning Bylaw Amendment 15-750 by **Mercer. SECOND** by **Kelly. VOTE: Yes-8, No-0, Absent-1.**

PRESENTATIONS/DISCUSSIONS: ► *Town Clerk Deborah Pellegrini--Election Process.* This is the time of year for getting ready for elections. There have already been a few calls from people about the procedure. She reviewed the process for taking out nomination papers which have been available since Monday and eleven people have already taken out papers. Forms are available until September 14, 2015. The last day to submit nomination papers for certification is September 16, 2015. She suggested applicants get papers in as soon as possible as must have signatures verified by September 16th in order to get on the ballot. For Town Council position 100 signatures are needed while all other positions need 50 signatures. All signatures can come from all over the Town; signatures do not need to be by precinct. A person can provide a signature for as many people as they would like. Signatures must be from registered voters as name is not certifiable if not registered to vote. Last date to withdraw is October 1, 2015. After that date, the name is on the ballot. Last date to register to vote is Wednesday, October 14, 2015, and can also register to vote online. Many positions in the Town are available this year. As well, the Presidential primary is on March 1, 2016 and Presidential election on November 8, 2016. People can put up signs for the elections any time, but must stay within rules of the size of the sign or it will be taken down. The sign regulations are noted on the nomination papers.

LICENSE TRANSACTIONS: (Note: this item was an addendum to the meeting agenda.)

Bridge Restaurant Group d/b/a Incontro Restaurant & Lounge – Change of Manager. Ms. Pfeffer read the motion. **MOTION to Approve** the change of manager on their alcoholic beverages license from John A. Greco to James J. Clarke by **Mercer. SECOND** by **Padula. Discussion:** Mr. Nutting stated this is a routine matter. **VOTE: Yes-8, No-0, Absent-1.**

PRESENTATIONS/DISCUSSIONS (continued): Community Opportunities Group—Housing Grant.

► *Mr. Nutting* stated that the Town applied with Bellingham and Hopedale for a Housing Rehabilitation Program Grant and were awarded grant for approximately \$894,000. Grant funds will provide assistance to eligible residential property owners primarily in the South Bellingham, North Hopedale and Franklin Center Community Development Target Areas to make needed repairs and accessibility improvements.

► *Paula Stewart, Community Opportunities Group,* worked with the three towns to write the grant application. Only two awards state-wide were awarded in this category. There are two parts of this program: housing rehab program and supplemental fuel assistance program. There will be a lottery for the housing rehab program. Applications will be available and date will be announced.

SUBCOMMITTEE REPORTS: ► Mr. Bissanti spoke about the Economic Development Committee. He indicated three Pond Street RFPs were submitted: two for solar, one for mixed used residential. The mixed use residential was asked to do a new conceptual to take out the office building and keep it all residential. The two solar developments were submitted with fee structures far less than anticipated. Thanked Pond Street residents for being involved in the process. He stated he understands that not all people can attend all meetings and he realizes that even with few residents in the meeting room, he understands what they are saying. The Committee still represents the people and the neighborhood. He hopes for a happy ending on this.

LEGISLATION FOR ACTION:

1. Resolution 15-48: Voter Approval – Farm Equipment, Farm Animals. Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 15-48 by **Mercer. SECOND** by **Kelly. Discussion:**

► Mr. Nutting stated this is a time to vote “yes” because do not want taxes. For many years Town has

not been collecting this and would like to have voters approve Franklin opting out. Used to have to pay taxes on how many horses, pigs or chickens owned. Want to encourage local agriculture. ► Mr. Padula verified that it would cost more to collect this tax than the amount of tax anticipated to be collected. He discussed the Community Supported Agriculture (CSA) program where people can pay at the beginning of the growing season and receive fresh vegetables and produce throughout the season. ► Mr. Dellorco stated that farmers do not have a long season to make money and does not want to see additional tax on them. ► Mr. Cerel stated feedback was received on the stilted way this resolution is written, but this is how the statute is written. **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Feldman-YES; Kelly-YES; Mercer-YES; Padula-YES; Pfeffer-YES; Vallee-YES. **VOTE: YES-8, NO-0. Passes.**

2. ***Resolution 15-49: Confirmatory Order of Taking – Land at 275 Beaver Street.*** Ms. Pfeffer began reading the resolution. **MOTION** to **Waive** the Reading of Resolution 15-49 by **Kelly**. **SECOND** by **Mercer**. **MOTION** to **Move** Resolution 15-49 by **Mercer**. **SECOND** by **Kelly**. **Discussion:** ► Mr. Nutting stated the Town purchased the property from Mr. Colella for about \$719,000; the property is not being taken. This is an action performed on all land purchased by the Town to make sure the title is free and clear. ► Mr. Dellorco stated there are many great recreational plans and it is a great spot. **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Feldman-YES; Kelly-YES; Mercer-YES; Padula-YES; Pfeffer-YES; Vallee-YES. **VOTE: YES-8, NO-0. Passes.**
3. ***Zoning Bylaw Amendment 15-750: Zoning Map Change from Industrial to General Residential V District in an Area on or Near Dean Avenue—1st Reading.*** Ms. Pfeffer read the zoning bylaw. **MOTION** to **Move** Zoning Bylaw Amendment 15-750 to a second reading by **Padula**. **SECOND** by **Kelly**. **Discussion:** ► Mr. Nutting stated this is for the zoning bylaw amendment that would allow multifamily housing in an area on or near Dean Avenue currently zoned for industrial uses. There will be two public hearings on this with the second in September. **VOTE: Yes-8, No-0, Absent-1.**
4. ***Bylaw Amendment 15-751: Changes to Chapter 181, Wetlands Protection – 1st Reading.*** Ms. Pfeffer read the bylaw amendment. **MOTION** to **Move** Bylaw Amendment 15-751 to a second reading by **Mercer**. **SECOND** by **Kelly**. **Discussion:** ► Mr. Nutting stated this is a request by the Conservation Commission to streamline the process and make it easier and less expensive by reducing unnecessary paperwork for applicants. **VOTE: Yes-8, No-0, Absent-1.**
5. ***Resolution 15-50: Ratification Franklin Police Association Contract.*** Ms. Pfeffer read the resolution. **MOTION** to **Ratify** Resolution 15-50 by **Mercer**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated due to a typographical error there has been a substitution/correction made on Page 25, Article 23, Section B—instead of three (\$3 less) it should correctly indicate two (\$2 less). **MOTION** to **Move** Resolution 15-50 as amended by **Mercer**. **SECOND** by **Padula**. ► Mr. Nutting stated all collective bargaining agreements expired on June 30, and now in the process of negotiating new contracts with the nine municipal unions. The Franklin Police Association agreed to a three-year contract. The essential basis of this is a two percent cost of living increase for each of three years with other changes throughout contract. **VOTE: Yes-8, No-0, Absent-1.**
6. ***Resolution 15-51: Ratification Franklin Police Sergeants Association Contract.*** Ms. Pfeffer read the resolution. **MOTION** to **Move** Resolution 15-51 with amended Page 18, Article 23, Section B—instead of three (\$3 less) it should correctly indicate two (\$2 less) due to a typographical error, by **Mercer**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated there was brief negotiation and it was settled with a three-year contract. **VOTE: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting stated they meet every other Tuesday for an update on Downtown. They are doing work on upper Main Street including sidewalk work. He sent

email requesting to be a little better informed on street closures and detours and hopes communication will improve. During the month of August they will be paving Main Street north of Emmons Street and working on Emmons Street, as well. Still need to get permit from T to do work on bridge. May get to East Central Street later in the fall, but not yet determined. Some light poles are being relocated. Working with State to ensure minimum of 48 inches of clear passage for handicapped access; ADA requires 36 inches, but due to winter weather, Town asked for more. Met with district engineer and there was no problem making adjustments. ► Chairman Vallee mentioned that the entrance to the Town should have new granite and be done right; the old granite should be used on other streets such as High Street. ► Mr. Nutting stated the Town needs to be out of the old municipal building by September 15. The recreation offices must be moved and gas main must be disconnected in order to pave street. ► The demolition of portables at Davis Thayer is done, and now working to correct the water washing materials onto the sidewalk with new drainage. ► School will be open soon, please drive slow. As well, there is lots of construction going on. Be safe.

OLD BUSINESS: ► Mr. Feldman asked for an update on the DelCarte playground. Mr. Nutting stated the company was supposed to start last week, but will begin the week of August 17th as they were delayed by weather in other parts of the country. Everyone will be notified when a date is received. Mr. Padula reiterated that the playground is not able to be used and asked if there is any pressure that can be applied to the company. Mr. Nutting stated both the Town attorney and Gus Brown, Building Commissioner, have spoken to them. ► Mr. Padula asked about stocking the pond with fish. Mr. Nutting stated an RFP was done under the Conservation Commission for an aquatics study to make sure of the condition of the pond regarding the stocking. Need an outside expert review in order to determine what it will take to make the stocking a success. This should be done in the next few weeks, although the study may not be complete until the end of the calendar year; therefore, a definite date on when study will be complete cannot be provided. ► Chairman Vallee asked about Town fireworks. Mr. Nutting stated the fire marshal came out and said that there would be sufficient area once the school was completed and would need to see the actual plan regarding how large the fireworks would be as well as the exact planned location. Also, the school committee would have to look at this, but the opportunity is there. After speaking with five other towns in the area, Mr. Nutting stated he learned that the towns do not put on the fireworks, which cost approximately \$20,000-\$25,000. Rather, money is raised by the community or committee that runs the Fourth of July. In years past Garelick Farms paid for the Franklin fireworks, but they have been bought out by Dean Foods and they declined to pay for it. Chairman Vallee stated strong favor for fireworks in the Town for the next Fourth of July.

NEW BUSINESS: ► Mr. Bissanti thanked the Pond Street residents for attending tonight's meeting and mentioned that this is still an ongoing process. Still reviewing options and will make sure notices get out to residents as to dates of meetings. ► Ms. Pfeffer indicated the Town Council has not seen the Pond Street RFPs as they are still in the hands of the EDC; the EDC should bring them forward to the Town Council.

COUNCIL COMMENTS: ► Ms. Pfeffer read a letter from Bob Fahey, former Veteran's Agent, who thanked the Council members for their visit and remembrance of Bob's years of service. In addition, Ms. Pfeffer commended those that put up the flags and take care of the bridge on Route 140 going to Bellingham—it looks fantastic. ► Mr. Mercer congratulated the DPW for their great job in taking down the portables at Davis Thayer. He also thanked the Franklin Cultural Festival Committee who put on the first annual cultural festival last weekend. Great things were going on at great locations such as the high school, Town Common, and the Black Box. It was a great five days and looks forward to this event again. ► Mr. Feldman stated the Cultural Festival was excellent. Also thanked Town Administrator, State Representative, and everyone else that participated in the Mass Challenge. Solar challenge update: reach tier five which is the top pricing and guaranteed to get the best pricing if sign up now; this offer ends in September. Over thirty residents have signed up already. ► Mr. Dellorco stated the next Coalition

meeting is next Wednesday, August 12, at 7:00 PM. Some support groups have already started and Coalition is going well. In addition, he sends condolences to the family of former Fire Chief Lawrence Howell.

EXECUTIVE SESSION: None.

ADJOURN: MOTION by Padula to Adjourn. SECOND by Mercer. VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 8:08 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary