

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
September 9, 2015**

A meeting of the Town Council was held on Wednesday, September 9, 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; 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: *August 5, 2015, Executive Session June 24, 2015.* **Motion to Approve** the August 5, 2015 and Executive Session June 24, 2015 meeting minutes by **Mercer. SECOND** by **Kelly. VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: *Swearing in Ceremony – Deputy Chief of Police Thomas Lynch.* ► Deborah Pellegri, Town Clerk, performed swearing in ceremony of new Deputy Chief of Police Thomas Lynch. ► Mr. Nutting thanked all police force for their great job and for keeping community safe.

Chairman Vallee declared a thirty-second recess.

ANNOUNCEMENTS: ► Downtown Partnership has a Progressive Dinner on Sunday, September 27, 2015 at \$50.00 per person—tip and taxes included, beverages not included. Purchase tickets online at www.eventbrite.com. Participating restaurants include: Artistry Kitchen, Bamboo House, Chinese Mirch, Hang Tai, Maguro House, Making Whoopie, The Cake Barn, and Rome Restaurant. Additional information is available on the Partnership website. Everyone is invited to have dinner together in Downtown Franklin on a Sunday night. ► 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.

CITIZEN COMMENTS: ► *Wayne Brodsky, 124 Beaver Street.* Mr. Brodsky stated he would like to build a duplex for himself and his brother at his property at 124 Beaver Street. He needs an additional 400 s.f. of property to do this. He provided each Council member with a drawing. He stated in 1940 there was a land taking to widen Beaver Street. He is looking to acquire this piece of property that the Town owns on the corner of Read and Beaver Streets and is willing to pay for it. He tried to get this resolved through variance already. ► Chairman Vallee stated this would be discussed during *New Business*.

APPOINTMENTS: *Conservation Commission.* Ms. Pfeffer read the recommendation to appoint Tara Henrichon to serve as a member of the Conservation Commission. **MOTION to Approve** the appointment of Tara Henrichon to serve as a member of the Conservation Commission by **Mercer. SECOND** by **Padula. Discussion:** Ms. Henrichon addressed the Council and reiterated her interest in serving. **VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: None.

LICENSE TRANSACTIONS: *Transfer of Hotel/Innholder License – Residence Inn.* Ms. Pfeffer read the motion. **MOTION to Approve** the application by NEP OPS – T, LLC dba Residence Inn Boston Franklin for an All Alcoholic Beverages Hotel/Innholders License with the manager to be Susan Marie Perrothers and the license is to be held in the Town Administrator's office until all taxes have been

received by **Pfeffer**. **SECOND** by **Mercer**. **Discussion:** ► Mr. Nutting stated his recommendation to approve. ► Ms. Pfeffer asked the amount of back taxes owed. ► Mr. Nutting stated he did not have that information available at this meeting. ► Town Attorney Mark Cerel reiterated that with the license held, legally, the applicant cannot do business as the license must be present on the property. Another option is to table the vote until taxes are paid. ► Mr. Padula wanted to know the amount of taxes owed and requested timeline be put on the payment of said taxes. ► Attorney Joseph Devlin of Demakis Law Offices representing the applicant introduced Susan Perrothers, proposed/current manager, and stated that this application will also go before the ABCC. ► Mr. Bissanti stated there are legal fail-safes in the license transaction to allow this to move forward. ► Chairman Vallee and Mr. Padula did not approve the motion. **VOTE: Yes-7, No-2, Absent-0.**

PRESENTATIONS/DISCUSSIONS: None.

SUBCOMMITTEE REPORTS: None.

LEGISLATION FOR ACTION:

1. **Resolution 15-52: Order of Layout, Acceptance & Taking of a Portion of Lewis Street, Currently a Private Way – Referral to Planning Board.** **MOTION** to **Waive** the reading by **Kelly**. **SECOND** by **Mercer**. **VOTE: YES-9, NO-0, Absent-0.** **MOTION** to **Move** Resolution 15-52 to refer to Planning Board by **Mercer**. **SECOND** by **Kelly**. **Discussion:** ► Mr. Nutting stated currently in the middle of the reconstruction of Lewis Street neighborhood with the water line and drainage. Last portion of Lewis Street, from Crocker Avenue to the end, was never accepted as a public way. It requires a public process; all property owners have signed off. This would then go to Planning Board and back to Town Council to be deemed a public way. This is a routine matter. **VOTE: YES-9, NO-0, Absent-0.**
2. **Resolution 15-53: Funding Horace Mann Statue.** Ms. Pfeffer read the resolution. **MOTION** to **Move** Resolution 15-53 to transfer/appropriate funds from the Adelbert Thayer Trust and the Austin Fletcher Trust to fund a Horace Mann statue to be placed at the 150 Emmons Street property by **Pfeffer**. **SECOND** by **Kelly**. **Discussion:** ► Mr. Nutting stated part of the redevelopment of 150 Emmons Street was to maintain some public space with the concept of getting a statue of Horace Mann built. Went through RFP process and a sculptor recommended for total cost of \$96,000. Asking for additional \$46,000 to come out of trust funds that were donated to the Town many years ago. Therefore, this is not taxpayers' money, but rather interest earned on the funds. Can only spend the interest in the accounts. He recommended consideration. ► Ms. Pfeffer read letter from State Representative Jeffrey Roy dated September 9, 2015. He urged favorable action on Resolution 15-53. ► Deborah Pellegrini, Chairman Horace Mann Statue Committee, introduced the other Committee members. She stated her excitement about the Horace Mann Statue and gave a history of Horace Mann's life. She also gave a summary of the contributions of Mr. Roger Calarese for this project and reiterated that it will not cost taxpayers. ► Superintendent of Schools and Franklin resident Maureen Sabolinski, representing the public school system, stated this is an opportunity to show support for public education and provide a public space accessible to school children and college students that reside in Town. Thanked Council members for their consideration. ► Mr. Mercer stated the Committee did a great job in choosing the architect. ► Mr. Dellorco stated his support. ► Mr. Padula stated Mr. Calarese's large donation shows what a great person he is. He is looking forward to seeing completed project. ► Mr. Kelly stated his appreciation for the great job done by the Committee and for not spending any taxpayers' dollars on this project. Looking for the statue to be up. ► Mr. Bissanti stated the Committee did a great job. ► Chairman Vallee thanked the Committee for a great job. **VOTE: YES-9, NO-0, Absent-0.**

3. **Resolution 15-55: Ratification of the Franklin Public Library Staff Association Contract.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15:55 by Mercer. SECOND by Kelly.** **Discussion:** ► Mr. Nutting stated in process of collective bargaining will all nine unions. This will be the third agreement as police and fire have contracts. It is a small union with about six people. **VOTE: Yes-9, No-0, Absent-0.**
4. **Resolution 15-56: 2015 Amended Schedule of Town Council Meetings.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 15:56 by Mercer. SECOND by Kelly.** **Discussion:** ► Mr. Nutting stated under the charter the new Town Council is to be sworn in on the second Wednesday of November, but this happens to be Veteran's Day. Suggestion is to push meeting to November 12, due to the holiday. **VOTE: Yes-9, No-0, Absent-0.**
5. **Zoning Bylaw Amendment 15-750: Zoning Map Changes from Industrial to General Residential V District in an Area on or Near Dean Avenue – 2nd Reading.** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move Zoning Bylaw Amendment 15-750 by Mercer. SECOND by Kelly.** **Discussion:** ► Mr. Nutting stated this is in accordance with the Master Plan Committee recommendation to rezone this area to multi-family. This will eliminate the old factory and lead to redevelopment in the area. ► Mr. Kelly stated this is a great plan for the Town and the Downtown area. **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Feldman-YES; Kelly-YES; Mercer-YES; Padula-YES; Pfeffer-YES; Williams-YES; Vallee-YES. **VOTE: YES-9, NO-0. Passes.**
6. **Bylaw Amendment 15-751: Changes to Chapter 181, Wetlands Protection – 2nd Reading.** **MOTION to Wave the reading of Bylaw Amendment 15-751 by Kelly. SECOND by Mercer.** **VOTE: Yes-9, No-0, Absent-0.** **MOTION to Move Bylaw Amendment 15-751 by Mercer. SECOND by Padula.** **Discussion:** ► Mr. Nutting stated this was recommended by the Conservation Commission to streamline the application process and cut down on redundancy. **VOTE: Yes-9, No-0, Absent-0.**
7. **Zoning Bylaw Amendment 15-752: Nonconforming Buildings, Structures, and Uses – Referral to Planning Board.** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move Zoning Bylaw Amendment 15-752 to refer to Planning Board by Mercer. SECOND by Padula.** **Discussion:** ► Mr. Cerel stated this is a referral to the Planning Board. It is adding language that adds flexibility. Current wording of the bylaw does not permit for demolition and reconstruction. ► Mr. Nutting stated this would make it easier and not need variance, just a special permit. ► Mr. Bissanti stated this is a good thing and gave an example of how this new provision would work. **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting thanked fire fighters for yesterday's response and stated they worked great as team. ► Thanked DPW and custodians who worked hard to clean every school during summer. ► Two replacement vacancies and possibly a third due to retirement are needed in the Fire Department. As it takes so long to process hiring, he would like to bring in the three people. He noted this may incur a small increase to the budget depending on when hiring occurs. There may be a slight transitional cost, but his is the best way to proceed. ► Facebook page now on Town webpage. ► Oak Street is only temporarily paved. ► Looking to move Recreation Department by end of next week. ► In response to citizen's comments regarding 124 Beaver Street, Mr. Nutting stated in order to do this Town would have to go through the process of abandoning a portion of the public way, declare it surplus, and then do an RFP. He stated he does not think abandoning a piece of public property for the reason to build a two-family house from a one-family house meets the intent of public property and it would set a bad precedent. Therefore, it does not seem like a good idea from a public policy perspective.

OLD BUSINESS: ► Mr. Feldman stated Del Carte playground reopened. ► Mr. Nutting stated structural

repairs were made and cause was water seepage and ice--may consider covering structure around January to protect it from winter weather. ► Mr. Padula stated he would be reluctant to do business with this contractor again as it took them so long to do the repairs.

NEW BUSINESS: ► Discussion ensued regarding Wayne Brodsky's comments about his property at 124 Beaver Street. ► Mr. Kelly asked if Mr. Brodsky had looked at all options and discussed with Building Commissioner. He stated he wanted to act in a helpful way to residents and people in the Town. ► Mr. Cerel indicated proceeding forward is a significant undertaking including title search and drawing new plans. It is a very formal legal process with significant time and expense. ► Mr. Kelly stated as applicant is willing to pay why not proceed forward. ► Mr. Cerel stated this could set a bad precedence. ► Mr. Bissanti stated Council needs to look at each individual case and not worry about precedence. He would like to see applicant be helped. ► Ms. Pfeffer stated this would be opening a Pandora's Box and set a bad precedent. She suggested applicant pursue other options such as in-law apartment. ► Mr. Brodsky stated the Town took land in 1940 and he just wants to get it back. ► Mr. Dellorco stated he would like to help the applicant and asked why applicant cannot get a variance. ► Mr. Cerel stated single and two-family homes have grandfathered rules. In case of preexisting nonconforming, can demolish and reconstruct. He suggested Mr. Brodsky obtain an attorney to help. ► Mr. Padula stated Council is here to represent entire community; Mr. Brodsky should pursue other methods. He stated selling this Town land to resident was a bad idea. ► Mr. Nutting suggested Town property should not be sold and this precedence should not be set. ► Chairman Vallee discussed the need for an urgent care health facility in the Town as with 33,000 people it is embarrassing that smaller communities have health care centers. He stated Planning Board should take initiative and he recommended Partners HealthCare be contacted as it is the largest network in the State. ► Ms. Pfeffer stated CareWell Urgent Care facility is moving into the development across the street.

COUNCIL COMMENTS: ► Ms. Pfeffer stated concern that the telephone poles in the sidewalks on Emmons Street and near St. Mary's Church makes the sidewalks inaccessible to people in wheelchairs. ► Mr. Nutting stated he is having a meeting next week to discuss this--planning to widen some sidewalks and move some poles. He will provide update. ► Ms. Pfeffer stated Town purchased property on Wachusett Street and work being done on new parking lot is great. The Housing Trust bought property at 48 Arlington Street and thanked DPW and Building Commissioner for their help. She stated she received information that the solar panels at Parmenter School are not working and there has been a continuing leak in the basement. ► Mr. Nutting stated he would look into it.

EXECUTIVE SESSION: None.

ADJOURN: MOTION by Mercer to Adjourn. SECOND by Kelly. VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:17 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary