

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
April 10, 2019**

A meeting of the Town Council was held on Wednesday, April 10, 2019, at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Patrick Casey, Robert Dellorco, Melanie Hamblen, Glenn Jones, Matthew Kelly, Eamon McCarthy Earls, Thomas Mercer, Peter Padula, Deborah Pellegrini. Councilors absent: None. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Administrative Assistant.

CALL TO ORDER: ► Chairman Mercer called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance.

ANNOUNCEMENTS: ► Chairman Mercer announced the meeting is being 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: *None.*

APPROVAL OF MINUTES: ► *March 13, 2019 and March 20, 2019.* ► **MOTION to Approve** the March 13, 2019 meeting minutes by **Dellorco. SECOND** by **Kelly. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-0, Abstained-2.** (Mr. Padula and Ms. Pellegrini abstained.) ► **MOTION to Approve** the March 20, 2019 meeting minutes by **Dellorco. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-0, Abstained-2.** (Mr. Mercer and Ms. Pellegrini abstained.)

PROCLAMATIONS/RECOGNITIONS: *None.*

APPOINTMENTS: *None.*

HEARINGS: ► **Zoning Bylaw Amendment 19-837: Zoning Map Changes from General Residential V to Single Family Residential IV an Area on or Near West Central Street.** ► Mr. Cerel stated that at the last meeting when the Town Council referred this to the Planning Board, there was a pending lawsuit related to this proposed development within this existing zoning district. He stated that we have very recently received notice of additional litigation; he has not had an opportunity to analyze it. In light of that, he recommended this hearing be continued to a future date and time. ► Mr. Nutting suggested 30 days. ► Chairman Mercer stated the agendas in May are very full; he is thinking the first meeting in June. ► **Chairman Mercer declared the hearing open.** ► **MOTION to Continue** the hearing for Zoning Bylaw Amendment 19-837: Zoning Map Changes from General Residential V to Single Family Residential IV an Area on or Near West Central Street to June 5, 2019, at 7:10 PM, by **Kelly. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: *None.*

PRESENTATIONS/DISCUSSIONS: ► **Veterans' Agent Presentation.** ► Mr. Dale Kurtz, Veterans' Services Officer, presented a slideshow presentation. He stated the primary mission of the Veterans' Services Officer is to administer benefits to qualifying veterans and/or dependents under MGL Chapter 115 and assist veterans and dependents with VA benefits. He reviewed some additional benefits provided by the State. He stated that he also works with veterans and dependents on housing and possible less expensive medical rates. He stated the office was very busy and he reviewed the number of calls, claims and visits the office receives. He noted that \$4.3 million in VA benefits were paid to Franklin veterans and families in FY 2018; it is not all from his office, but his office helps. He stated that he also works for the Town of Avon and for Norfolk County and he reviewed his responsibilities in helping veterans. He stated that the discharge document DD

Form 214 is the most important document for a veteran. He encouraged family members of veterans to know where this document is in case of emergency. He stated that hearing loss is one of the most sought-after disability claims at this time. He mentioned his office can provide rides to medical appointments for veterans. He asked those in need to call a few days to one week in advance. They need drivers to provide this service. He reviewed the new War Memorial in the Town Common. He asked that no decorations or plantings be put around the War Memorial as this is the common practice among War Memorials. He reviewed the Veterans Council programs and some upcoming events. He reviewed some of the gift funds and programs he uses to help veterans. He discussed the Chair of Honor. He recognized the American Legion Edward L. Grant Post 75 and Veterans of Foreign Wars Post 3402 for their support. He reviewed available community activities. He stated that he visits schools and discusses military careers. He discussed Honor Flight. Information about VA services is available on the website or call his office. ► Ms. Pellegri thanked Mr. Kurtz for all he does for the Town, and she recognized Deborah for her help. ► Mr. Dellorco thanked Mr. Kurtz for all he does; he thanked all veterans for their service. ► Mr. Casey asked how many veterans live in Franklin. ► Mr. Kurtz stated that just under 1,300 have reported on the census. He would like every veteran to identify on the census. ► Mr. Jones thanked Mr. Kurtz for all his hard work. ► Chairman Mercer thanked Mr. Kurtz.

SUBCOMMITTEE REPORTS:

- a. *Capital Budget.* ► Mr. Dellorco stated that he had nothing to report at this time.
- b. *Budget.* ► Mr. Padula stated that he expects that by next month he will be setting the meeting for probably sometime in June.
- c. *Economic Development.* ► Mr. Kelly stated that he had nothing to report at this time.

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. *Resolution 19-27: Appropriation & Borrowing Well 3 & 6 Water Treatment Plant (Motion to Approve Resolution 19-27-Two-Thirds Majority Roll Call Vote (6)).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-27: Appropriation & Borrowing Well 3 & 6 Water Treatment Plant by **Kelly**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Nutting stated that this issue has been talked about for over one year. This is to allow the authorization of the bond and with the next resolution to apply for the State Revolving Fund Loan which has an interest rate of 2 percent for the bond which is below market. ► Mr. Earls requested Mr. Nutting discuss the current bond outlook for the Town. ► Mr. Nutting stated this bond will be paid back through water fees, so it does not affect the General Fund bond issues. The same goes for sewer. He stated that as far as the General Fund bonds, the policy is to not exceed 3.5 percent of the General Fund revenues, and we are under 2 percent. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES; Padula-YES; Pellegri-YES. ► **VOTE: Yes-9, No-0, Absent-0.**
- b. *Resolution 19-28: Grove Street Water Treatment Plant (Motion to Approve Resolution 19-28-Majority Vote (5)).* ► **MOTION to Waive** the reading by **Padula**. **SECOND** by **Kelly**. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** Resolution 19-28: Grove Street Water Treatment Plant by **Kelly**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated this is just paperwork required for the loan. ► **VOTE: Yes-9, No-0, Absent-0.**
- c. *Resolution 19-29: Appropriation Sewer Enterprise Fund Beaver Street Interceptor (Motion to Approve Resolution 19-29-Majority Vote (5)).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-29: Appropriation Sewer Enterprise Fund Beaver Street Interceptor by **Padula**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Nutting stated \$156,700 is for a study for the Beaver Street Interceptor which is over 100 years old. It is in a swamp next to a railroad track. We are trying to be proactive and look at alternative ways to replace/relocate the pipe ahead of it actually breaking someday. The study will take approximately one year and a final report will be provided to the Town Council. ► Mr. Kelly stated it cost the Town of Plymouth \$48 million to fix their line when it broke. We need to

pay attention to this very old line. He thinks this is a smart move to have the study and figure out options. ► Mr. Hellen stated this is just to look at options; it is a long and steady project. ► Mr. Earls asked that the study look at using highway medians as a route. ► **VOTE: Yes-9, No-0, Absent-0.**

- d. Resolution 19-30: Acceptance of Gift-Veterans Services (Motion to Approve Resolution 19-30-Majority Vote (5)).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-30: Acceptance of Gift-Veterans Services of a donation of \$50,300 from the Franklin Post 3402 VFW to be used for the Franklin Memorial Path Fund by **Padula. SECOND** by **Dellorco. Discussion:** ► Mr. Kurtz stated this is revenue from the sale of the bricks for the walkway collected through the VFW. He thanked the VFW and everyone who purchased a brick or made a donation. ► Ms. Pellegri stated that it should have been included in the resolution that the donation was from the proceeds of the brick sales. ► Mr. Hellen stated it is stated that it was from the Franklin Memorial Path Fund. He stated he will clarify it with the Comptroller to make sure there is a notation. ► **VOTE: Yes-9, No-0, Absent-0.**
- e. Zoning Bylaw Amendment 19-837: Zoning Map Changes from General Residential V to Single Family Residential IV an Area on or Near West Central Street-1st Reading (Motion to Move Zoning Bylaw Amendment 19-837 to a 2nd Reading-Majority Vote (5)).* ► Chairman Mercer stated this is a moot point as the hearing is still open and continued to June 5, 2019; this legislation for action will get moved to June, as well
- f. Bylaw Amendment 19-838: Amendment to the Franklin Town Code at Ch. 153 Stormwater Management-1st Reading (Motion to Move Bylaw Amendment 19-838 to a 2nd Reading-Majority Vote (5)).* ► **MOTION to Waive** the reading by **Padula. SECOND** by **Kelly. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move** Bylaw Amendment 19-838: Amendment to the Franklin Town Code at Ch. 153 Stormwater Management to a 2nd Reading by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Brutus Cantoreggi, Department of Public Works Director, stated this is general language regarding illicit discharges to the municipal storm drain system required to be in compliance with an NPDES Storm Water Discharge permit that must be put into the general bylaws. ► Mr. Nutting stated that it basically says you cannot illegally dump into the stormwater or drain system. ► **VOTE: Yes-9, No-0, Absent-0.**
- g. Bylaw Amendment 19-839: Municipal Service Fees - Recycling Sticker Rate Increase – 2nd Reading (Motion to Adopt Bylaw Amendment-Majority Roll Call Vote (5)).* ► **MOTION to Waive** the reading by **Padula. SECOND** by **Kelly. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Adopt** Bylaw Amendment 19-839: Municipal Service Fees - Recycling Sticker Rate Increase by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated that this is driven by the recycling mess that was discussed at the last meeting. The Town used to get paid for recycling; now we have to pay for it. This is reflected in the curbside and Beaver Street costs. To make the budget balance, we are asking for a rate increase. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES; Padula-YES; Pellegri-YES. ► **VOTE: Yes-9, No-0, Absent-0.**
- h. Bylaw Amendment 19-840: Municipal Service Fees - Curbside Trash/Recycling Rate Increase – 2nd Reading (Motion to Adopt Bylaw Amendment 19-840-Majority Roll Call Vote (5)).* ► **MOTION to Waive** the reading by **Padula. SECOND** by **Kelly. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Adopt** Bylaw Amendment 19-840: Municipal Service Fees - Curbside Trash/Recycling Rate Increase by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting requested an amendment to increase the rate to \$248 instead of to \$240. He stated that when he reviewed this, he discovered that one of the budgeted items was not in his formula; accordingly, another \$70,000-plus is needed to balance the budget, which is an additional \$8.00. ► Chairman Mercer confirmed this means the amendment would be increased from \$240 to \$248, annually. ► **MOTION to Amend** Bylaw Amendment 19-840: Municipal Service Fees - Curbside Trash/Recycling Rate Increase from \$240 to \$248, under the term *Rate*, by **Kelly. SECOND** by **Dellorco. No Discussion.** ► **VOTE (to amend the proposed bylaw amendment): Yes-9, No-0, Absent-0.** ► **MOTION to Adopt** Bylaw Amendment 19-840: Municipal

Service Fees - Curbside Trash/Recycling Rate Increase, As Amended, by **Kelly. SECOND** by **Padula. No Discussion:** ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES; Padula-YES; Pellegrini-YES. ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen stated that April 27, 2019, is Earth Day at Beaver Pond starting at 9:00 AM and with activities at DelCarte, as well. ArtWeek Festival starts that night; it will be the first time Franklin has food trucks; there will be entertainment on the Town Common. He announced that the Town Administration and the Superintendent of Schools formerly made the joint facilities agreement, in perpetuity. It is an agreement the Town made about 10 to 15 years ago to merge the operations of the Town Facilities Department with the School Facilities Department. That agreement, while not technically expired, needed to be reauthorized. It has been a great thing for the Town and the Schools. ► Chairman Mercer, regarding the joint facilities agreement, stated that as a former School Committee member, he knows that in the 1990s the school facilities were in disrepair. One main reason the schools are in such great shape now is because of this joint agreement. He stated that very few towns have ever done this. He stated that two of the Town's best decisions were to have the Town Administrator and Superintendent of School's offices next to each other in the same building and this joint facilities agreement.

FUTURE AGENDA ITEMS: ► Mr. Nutting stated that Ms. Pellegrini had asked to talk about the Old South Meeting House. He thought that maybe it could be put on the next meeting agenda. He was thinking of informing all the neighbors and having the building open from 5:30-6:30 PM for anyone, including Town Council members, to visit, and then having the Town Council meeting here at the Chambers at 7:00 PM.

COUNCIL COMMENTS: ► Ms. Hamblen reiterated Taste of ArtWeek on April 27, 2019. Tickets to the food trucks and beer garden available at randomsmile.org; all proceeds go to the Random Smile Project. She stated that Ryan Jette and the Community Garden group are looking for volunteers to rebuild some of the beds this Saturday at 9:00 AM at the community garden on King Street. They did a few last week and will try to do a few more this week. ► Mr. Casey asked where additional information on Earth Day activities could be found. ► Mr. Hellen stated he was not sure if there was anything on the website, but there is social media outreach on the event. He noted the event starts at 9:00 AM at Beaver Street where the bags and rakes will be distributed for the cleanup. Something comprehensive will be put out about the event. ► Mr. Dellorco asked how everything went with the Keller Sullivan sprinkler head issue. ► Mr. Nutting stated the sprinkler head was installed by an outside contractor and for some reason it went loose again. The insurance company is doing the cleanup and they hired a company to investigate. They were told it was a problem across the country with the sprinkler head. The students missed one day of school. ► Ms. Pellegrini asked if Town Council members were notified of the sprinkler situation. She stated she found out from the street and she does not like that. When something happens, she asked that the Town Council members be notified so that when residents call, the Town Council members can answer correctly. She stated that the Town Clerk's office has many of the DD Form 214; if people are looking for them, they can check there. She noted that it is important for the spouses of veterans to be in touch as they are also qualified for benefits. This information is important on the census so Mr. Kurtz can do a printout and get in touch with the spouses. ► Mr. Padula stated that in defense of the Administration, the Town Council members usually get notified of situations. But, going forward, the Administration should send out notifications when there are issues. ► Mr. Jones wished his daughter and wife a safe journey in their trip to Haiti. ► Mr. Kelly expressed concern that Franklin TV only broadcasts meetings until 10:00 PM and then the meeting broadcast shuts off. The townspeople pay their cable bills; a portion of each cable bill goes to pay for Franklin TV upgrades. He wants this fixed; there is always something going wrong. There needs to be accountability with Franklin TV. He also discussed the facilities issues with the school. He stated that someone needs to be held accountable. He stated that the Facilities Director has had three strikes and he should hit the road; he has no confidence in the Facilities Director. Every time there is a shrug of the shoulders with no real answers. ► Chairman Mercer stated that he attended last night's meeting, along with Mr. Jones, and was listening to the School Committee discussion when Mr. Kelly texted him to let him know the video feed went down. He talked to Chris who was in the studio. He learned that they have to set a time period for meetings; for whatever reason, it has been set at three hours. That is the allotment the cable people have been put on. He does not know under

whose direction the three hours was determined. He is sure Mr. Nutting and Mr. Hellen will get to the bottom of it. He agrees with Mr. Kelly that it was a shame to see the video feed end before the meeting ended. He stated that there have been cable issues three times this year with meetings that were very important for the public to be aware of what is going on. Fortunately, last night's tape of the meeting did continue, so the replay will have the last people who spoke. However, that still does not fix the immediate need to adjust the time frame for the meetings. He noted that many Town Council members have received emails, letters, and phone calls with concerns about the subdivision development on Maple Street. In response, there is a public hearing on April 22, 2019, at the Planning Board. The project is under the Planning Board's domain at this point. It does not involve any votes of the Town Council. But, the Town Council members are the community's representatives; they will respond to everyone who contacts them.

EXECUTIVE SESSION: *None.*

ADJOURN: ► MOTION to Adjourn by Kelly. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:06 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary