

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
June 6, 2018**

A meeting of the Town Council was held on Wednesday, June 6, 2018, 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.

CALL TO ORDER: ► Chairman Kelly called the meeting to order at 7:00 PM with a moment of silence. The Pledge of Allegiance was led by Boy Scout Troop 126 and Troop 29.

APPROVAL OF MINUTES: *May 9, 2018; May 16, 2018; May 17, 2018.* ► **MOTION** to **Approve** the May 9, 2018 meeting minutes by **Mercer**. **SECOND** by **Jones**. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to **Approve** the May 16, 2018 meeting minutes by **Mercer**. **SECOND** by **Padula**. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to **Approve** the May 17, 2018 meeting minutes by **Mercer**. **SECOND** by **Dellorco**. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

ANNOUNCEMENTS: Chairman Kelly 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.

PROCLAMATIONS/RECOGNITIONS: ► *High School Senior, James Pentikis.* ► Mr. Padula presented the proclamation on behalf of the Town Council to James Pentikis commending him on his work for the finance director/comptroller.

CITIZEN COMMENTS: *None.*

APPOINTMENTS: ► *FY 2019 Appointed Committee Members.* ► Mr. Jones read the Appointed Committee Members June 2018 list. ► **MOTION** to **Ratify** the Annual Appointments to the boards and commissions as presented by **Jones**. **SECOND** by **Mercer**. **Discussion:** ► Ms. Pellegrini asked if many people applied for these positions. ► Mr. Nutting stated No. He reviewed the process for becoming a committee member. ► Chairman Kelly stated in looking at the list, it does look like the same names. He respects and admires them for volunteering year after year. He would like to pay close attention to, for instance, the Zoning Board of Appeals. He questioned how long an alternate can sit around and volunteer and not get to give his opinion, while the same three-member board keeps getting re-appointed. He is going to ask for an amendment to the motion to switch Mr. Brunelli to a three-year term and Mr. Twardowski to an associate member one-year term. ► Mr. Mercer stated he did not think this could be done. ► Mr. Nutting stated the TA is the appointing authority. He stated the Town Council members can vote against someone, but they cannot add someone; you can have an amendment to not appoint someone, but you cannot appoint someone. ► **MOTION** to **Amend** the Annual Appointments to remove the three-year Zoning Board of Appeals and not include that in this motion by **Kelly**. **SECOND** by **Padula**. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to **Ratify** the Annual Appointments to the boards and commissions as presented, not including the three-member Zoning Board of Appeals 3-year term for 2021 for Timothy Twardowski by **Jones**. **SECOND** by **Mercer**. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► Mr. Nutting stated the new members will receive a letter; they will have to go to the town clerk's office to get sworn in and take an online ethics exam. All these are effective July 1, 2018.

HEARINGS: *None.*

LICENSE TRANSACTIONS: *None.*

PRESENTATIONS/DISCUSSIONS: ► *4th of July Committee.* ► Mr. Paul Kortick and Mr. Joe Carmignani, co-chairs of the Franklin July 4th Coalition, addressed the Town Council to provide an update. Mr. Kortick provided a schedule of events to Town Council members; the events run from June 29 through July 4, 2018. Mr. Carmignani reviewed the schedule of events. He stated there will be more booths than last year. They are bringing the fireworks back; fireworks are scheduled for Tuesday, July 3, 2018 at 9:30 PM at the Franklin High School. They are still working out the details with the fire department and other town officials. They are relying on donations from Franklin residents and businesses; he noted their new website, www.franklin4th.com and people can donate online. He reviewed the road races on Saturday, June 30, 2018; the adult race will be an official timed race. Mr. Kortick stated the Recreation Department is putting on the road race; they are just helping to promote it. He asked for people to donate and local businesses to sponsor. The town helps financially, but does not do most of it. They are a non-profit organization that puts this on. ► Town Council members thanked the presenters for their hard work, discussed viewing locations for the fireworks, and asked questions about the road race.

SUBCOMMITTEE REPORTS:

1. **Capital.** ► Mr. Dellorco stated nothing to report.
2. **Budget.** ► Mr. Padula stated a meeting is scheduled for June 18, 2018; this meeting is to start talking about next year's issues, FY 20.
3. **Economic Development.** ► Mr. Mercer stated they met earlier this evening. There was a large group that came to talk about chickens. There was a little confusion as to what was Zoning and what was Board of Health. He stated they were able to come to a consensus with an adjustment in zoning to allow more of this; we will bring our recommendation forward at the next Town Council meeting.

LEGISLATION FOR ACTION:

1. **Resolution 18-26: PEG Access and Cable Related Fund Acceptance (Motion to Move Resolution 18-26 – Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 18-26: PEG Access and Cable Related Fund Acceptance by Jones. SECOND by Mercer. Discussion:** ► Mr. Nutting stated many years ago the town established a cable access fee to run all the cable; all the money that comes in from the cable franchise fees goes over to the PEG Access Corporation on a quarterly basis. Now, we must vote on that every three months as there is a new regulation that we have to use this process; this is across the Commonwealth. ► Town Council members asked questions. ► Mr. Nutting confirmed years ago they received the money yearly, then quarterly; the money can only be used for cable. ► **VOTE: Yes-9, No-0, Absent-0.**
2. **Resolution 18-27: Appropriation: Snow and Ice Supplemental Appropriation FY 18 (Motion to Move Resolution 18-27 – Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 18-27: Appropriation: Snow and Ice Supplemental Appropriation FY 18 for \$186,000 by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated they started with \$953,000 in the account; they went \$186,000 over. He noted that \$450,000 of the total money was used in March. ► Town Council member asked about free cash remainder. ► Mr. Nutting stated that approximately \$500,000 will be left in free cash. ► **VOTE: Yes-9, No-0, Absent-0.**
3. **Resolution 18-28: Acceptance of Gift – Franklin Cultural Council (Motion to Move Resolution 18-28 – Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 18-28: Acceptance of Gift – Franklin Cultural Council for \$420.00 from Pour Richard's Wine & Spirits by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated thank you. ► Town Council members stated thank you. ► **VOTE: Yes-9, No-0, Absent-0.**

4. **Resolution 18-29: 2018 Schedule of Town Council Meetings – Revised (Motion to Move Resolution 18-29 – Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 18-29: 2018 Schedule of Town Council Meetings – Revised by Mercer. SECOND by Dellorco.**
Discussion: ► Mr. Nutting stated he was told several people had conflicts and he was asked to revise the schedule. ► **VOTE: Yes-9, No-0, Absent-0.**
5. **Bylaw Amendment 18-806: A Bylaw to amend the Code of the Town of Franklin at Chapter 170, Vehicles and Traffic, Article VI, Traffic Regulations Section 170-22 - 2nd Reading (Motion to Move Bylaw Amendment 18-806 – Majority Roll Call Vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move Bylaw Amendment 18-806: A Bylaw to amend the Code of the Town of Franklin at Chapter 170, Vehicles and Traffic, Article VI, Traffic Regulations Section 170-22 by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated these next bylaws simply clean up a decade’s worth of changes that have taken place on signs in various places throughout the community and this brings the bylaw up-to-date on these next four bylaws. ► **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.**
6. **Bylaw Amendment 18-807: A Bylaw to Amend The Code of the Town of Franklin at Chapter 170, Vehicles and Traffic, Article VI, Traffic Regulations Section 170-22.1 – 2nd Reading (Motion to Move Bylaw Amendment 18-807 – Majority Roll Call Vote (5)).** ► **MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move Bylaw Amendment 18-807: A Bylaw to Amend The Code of the Town of Franklin at Chapter 170, Vehicles and Traffic, Article VI, Traffic Regulations Section 170-22.1 by Mercer. SECOND by Padula. No Discussion.** ► **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.**
7. **Bylaw Amendment 18-808: A Bylaw to Amend the Code of The Town of Franklin at Chapter 170, Vehicles and Traffic, Article VI, Traffic Regulations Section 170-22.2 and Section 170-29 – 2nd Reading (Motion to Move Bylaw Amendment 18-808 - Majority Roll Call Vote (5)).** ► **MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move Bylaw Amendment 18-808: A Bylaw to Amend the Code of The Town of Franklin at Chapter 170, Vehicles and Traffic, Article VI, Traffic Regulations Section 170-22.2 and Section 170-29 by Mercer. SECOND by Dellorco. No Discussion.** ► **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.**
8. **Bylaw Amendment 18-809: A Bylaw to Amend the Code of the Town of Franklin at Chapter 170, Vehicles and Traffic, Article VI, Traffic Regulations Section 170-31B and Section 170-32 - 2nd Reading (Motion to Move Bylaw Amendment 18-809 – Majority Roll Call Vote (5)).** ► **MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move Bylaw Amendment 18-809: A Bylaw to Amend the Code of the Town of Franklin at Chapter 170, Vehicles and Traffic, Article VI, Traffic Regulations Section 170-31B and Section 170-32 by Mercer. SECOND by Padula. No Discussion.** ► **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.**
9. **Zoning Bylaw Amendment 18-810: Definitions. Small, Medium and Large Ground-Mounted Solar Energy Systems, Accessory Use, and Accessory Building or Structure - Referral to Planning Board (Motion to Refer Zoning Bylaw Amendment 18-810 to the Planning Board - Majority Vote (5)).**

► **MOTION** to Waive the reading by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to Move Zoning Bylaw Amendment 18-810: Definitions. Small, Medium and Large Ground-Mounted Solar Energy Systems, Accessory Use, and Accessory Building or Structure - Referral to Planning Board by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Bryan Taberner, Director of Planning and Community Development, stated these are three related zoning bylaw amendments. We were asked to look at adding some limited regulations for ground-mounted solar energy systems into the zoning bylaw. It was somewhat difficult to add additional layers; we rewrote some things including definitions. Zoning Bylaw Amendment 18-810 relates to the definitions for small, medium, and large-scale ground-mounted solar energy systems. It removes wording related to pools, deletes accessory building or use definition, and adds separate definitions for accessory structure and use. Zoning Bylaw Amendment 18-811 is basically a complete rewrite of the section; it divides into setback requirements and height restrictions, pools, and ground-mounted solar energy systems. He reviewed and discussed the changes and additions to these sections; he noted this bylaw relates to accessory use only. Zoning Bylaw Amendment 18-812 relates to primary use. He reviewed and discussed additions to primary uses and noted the attached Use Regulation Schedule. He stated they are looking for the Town Council to refer this to the Planning Board for a public hearing. ► Mr. Dellorco asked what if people are in violation after we change this. ► Mr. Nutting stated pre-existing, non-conforming. He stated the premise is that if you have a small scale solar panel in your yard, you can go to the Building Commissioner and get a permit; if you are going to build a giant field, you must go to the Planning Board. We tried to differentiate personal use and small use from Commercial use. ► **VOTE: Yes-9, No-0, Absent-0.**

10. **Zoning Bylaw Amendment 18-811: Changes to §185-19. Accessory Buildings and Structures – Referral to the Planning Board (Motion to Refer Zoning Bylaw Amendment 18-811 to the Planning Board – Majority Vote (5)).** ► Mr. Jones read the Zoning Bylaw Amendment. ► **MOTION** to Move Zoning Bylaw Amendment 18-811: Changes to §185-19. Accessory Buildings and Structures – Referral to the Planning Board by **Mercer. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**
11. **Zoning Bylaw Amendment 18-812: Ground-Mounted Solar Energy System Use Regulations – Referral to the Planning Board (Motion to Refer Zoning Bylaw Amendment 18-812 to the Planning Board – Majority Vote (5)).** ► **MOTION** to Waive the reading by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to Move Zoning Bylaw Amendment 18-812: Ground-Mounted Solar Energy System Use Regulations – Referral to the Planning Board by **Mercer. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**
12. **Bylaw Amendment 18-813: A Bylaw to Amend the Code of the Town of Franklin at Section 170-32 One Way Streets – 1st Reading (Motion to Move Bylaw Amendment 18-813 to a 2nd Reading – Majority Vote (5)).** ► Mr. Jones read the Bylaw Amendment. ► **MOTION** to Move Bylaw Amendment 18-813: A Bylaw to Amend the Code of the Town of Franklin at Section 170-32 One Way Streets to a 2nd Reading by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated the DPW is in the middle of reconstructing the whole neighborhood. We would like to construct a sidewalk along the entire length of Alpine Row. To do that it narrows the street to the point we believe it is in the best interest to be one-way from behind the Marini building up to Alpine Place. He stated they had a neighborhood meeting; no one objected. ► Town Council members asked questions and discussed the bylaw amendment. ► Mr. Nutting stated the sidewalk would be granite curb. ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen reminded everyone that tomorrow at 11:00 AM the Commissioner of the Department of Energy Resources will be here along with seven other communities for their Green Community status. The Strawberry Stroll is Friday, 5:00-8:00 PM.

FUTURE AGENDA ITEMS: ► Mr. Earls stated a few meetings back they discussed the idea of other boards and commissions coming to speak to the Town Council; the Board of Health would be interesting to have speak to us. ► Mr. Nutting stated they have been reaching out to people to line up those presentations. He will get the Board of Health on the agenda as well. ► Mr. Casey asked if the opioid litigation discussion can be added. ► Mr. Nutting stated it is on the next agenda. ► Mr. Dellorco asked what was going on at Dean College regarding the parking issues. ► Mr. Nutting stated he has responded to them; it will probably be on the July 11, 2018 meeting agenda.

COUNCIL COMMENTS: ► Ms. Hamblen stated she volunteered for the all-night party at the high school; it was a lot of fun. She reminded everyone about the Strawberry Stroll. ► Mr. Casey reminded everyone about the Strawberry Stroll. He thanked James Pentikis for all his help. ► Mr. Dellorco gave a shout out to all the Veterans; today is the anniversary of D-Day. ► Mr. Earls commended everyone that took part in the Memorial Day Parade. ► Ms. Pellegrini thanked the police department for doing a great job on the traffic regulations. She reminded everyone of the wedding gown display at the museum; please come to the museum to look. She stated the museum is looking for an archivist, someone that has some museum background that can help with setting up and cataloguing. ► Mr. Hellen stated he is not sure when the job will be posted, but they are looking for someone part-time to organize and set up some structure and policies and help coordinate the volunteers for the museum. He noted the need for some shelving units there. ► Mr. Padula stated he is looking forward to the 4th of July; looks like they did a great job. ► Mr. Jones thanked everyone for all the hard work that went into one of the largest high school commencements the Town of Franklin has had. He noted his daughter graduated. He stated Tri-Country students graduated as well. He noted the funeral tomorrow for one of his close friends. He congratulated all the recent graduates. ► Mr. Dellorco congratulated all the recent graduates. He stated Franklin did a great job at the high school graduation. He thanked Chairman Kelly who organized the Memorial Day Parade. He wished his mother a happy 90th birthday. ► Chairman Kelly thanked all the veterans and everyone who went to the Memorial Day Parade. He congratulated the Franklin High School class of 2018.

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Jones. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:11 PM

Respectfully submitted,

Judith Lizardi
Recording Secretary