

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
February 13, 2019**

A meeting of the Town Council was held on Wednesday, February 13, 2019, at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Patrick Casey, Melanie Hamblen, Glenn Jones, Matthew Kelly, Eamon McCarthy Earls, Thomas Mercer, Peter Padula, Deborah Pellegri. Councilors absent: Robert Dellorco. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

**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:** *None.*

**PROCLAMATIONS/RECOGNITIONS:** *None.*

**APPOINTMENTS:** ► *Franklin Cultural District, Pandora Carlucci.* ► Mr. Jones read the appointment. ► **MOTION to Ratify** the appointment by the Town Administrator of Pandora Carlucci to serve as a member of the Franklin Cultural District with an expiration of June 30, 2019, by **Padula**. **SECOND** by **Kelly**. **Discussion:** ► Mr. Nutting stated that Ms. Carlucci has done a fantastic job already. ► Ms. Carlucci stated she is honored to serve the Town of Franklin in this way. ► **VOTE: Yes-8, No-0, Absent-1.**

*Note: Agenda items taken out of order.*

**PRESENTATIONS/DISCUSSIONS:** ► **Police Department.** ► Police Chief Thomas Lynch addressed the Town Council. He recognized his command staff who were in attendance: Deputy Chief James Mill, Lieutenant James West, Lieutenant John Ryan, and Lieutenant Mark Manocchio. He stated that without these individuals and the tremendous staff at the agency, he would not be able to accomplish many of the items he will be discussing during tonight's presentation. He stated he has been the department chief since July 2016; he reviewed some of the major accomplishments from the past 2 ½ years. His slideshow presentation included an overview of department statistics in arrests, complaints, motor vehicle accidents, and domestic violence; proactive measures; overdose incidents; proactive measures-opioids; mental health issues; public relations, customer service, and community policing; current major projects; Massachusetts accreditation/certification; regional dispatch overview-Metacomet Emergency Communications Center (MECC); and regional dispatch logistical issues. He thanked his communications staff for their great work. He continued the presentation reviewing future issues/concerns; police personnel comparison of other communities; lack of space at the current police station; and volunteer/community outreach programs. He gave kudos to the entire department for their efforts in all the community programs they are involved in. He thanked the citizens of Franklin. ► Mr. Earls thanked Chief Lynch for the great presentation. He reflected on the opioid deaths and was grateful for Narcan. He asked about arrests for people smuggling fentanyl into the community. ► Chief Lynch explained the department's work on looking for people selling drugs and the current work tackling the narcotics activity issue. He reviewed the education efforts at the high school. ► Mr. Padula stated the town's police department exercises courtesy and compassion in dealing with people; this town has the best of the best. ► Mr. Jones stated he appreciates what the police do for the community and their hard work. He noted

that he appreciates the SRO at the Tri-County school. ► Mr. Kelly stated that he was very impressed with the town's police force. He thanked them for increasing police coverage without increasing budget. ► Chairman Mercer stated he thinks the town has the finest police department in the state. He thanked them for thinking outside the box in dealing with issues and staffing, and not having budget issues. ► Mr. Nutting thanked them for making the changes and he thanked the sergeants and patrol officers for stepping up to the changes. He noted the fantastic job they are doing in recruitment and hiring the new police officers.

*Chairman Mercer call a two-minute recess.*

#### **HEARINGS:**

- a. Zoning Bylaw Amendment 19-829: District Enumerated-Creation of Mixed Business Innovation Zoning District*
- b. Zoning Bylaw Amendment 19-830: Use Regulations- Mixed Business Innovation Zoning District*
- c. Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations*
- d. Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District*
- e. Zoning Bylaw Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation on Area on or near Fisher and Hayward Streets*
- f. Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District*

► Chairman Mercer declared the public hearings open. ► Mr. Bryan Taberner, Director, Planning & Community Development, stated this was before the Town Council a few weeks ago and they referred it to the Planning Board for a public hearing. The public hearing was held last Monday; the Planning Board recommended approval as proposed. He noted there were quite a few people at the public hearing in support of the amendments. He stated that the first four amendments create the structure for the Mixed Business Innovation zone; the last two amendments put it on the map in this neighborhood. He noted that it could be put on the map in another neighborhood if they found such a need to do so. He provided an overview of the amendments: Zoning Bylaw Amendment 19-829 creates the definition; Zoning Bylaw Amendment 19-830 provides the use regulations for the district; Zoning Bylaw Amendment 19-831 is for the dimensional regulations; Zoning Bylaw Amendment 19-832 is a very small change in §185-20 Signs by adding the Mixed Business Innovation zone to the commercial and business corridor; Zoning Bylaw Amendment 19-833 is to change seven parcels from the Industrial zone to the new proposed Mixed Business Innovation zone; and Zoning Bylaw Amendment 19-834 is a slight change to the sign bylaw overlay map for the zone. The idea for this is to change the whole section of the town as it could use a facelift and upgrade in the uses in the area. This would allow the existing uses to continue, but also allow a substantial amount of additional uses in the hope that it would be a mix of small and commercial businesses and light industrial mixed in. He noted that he had 100 percent agreement with everyone who he talked with about this. However, yesterday, he received a phone call from one of the property owners who is present at tonight's meeting, who may want to speak about this. This person has concerns about rezoning the last two parcels shown near the bottom on the provided map. Mr. Taberner stated he has no problem either way; it will not take away from the rest of the rezoning. ► Mr. John Lambiase, Trustee of 145 Fisher Street, and the representative for his mother at 131 Fisher Street, stated they do not think it is a good fit at the moment. There are current uses going on right now that have been going on for 30 years. He stated that they would like it to stay the same as it is as Industrial zoning. ► Mr. Nutting asked if it was fair to say that all those uses could continue as pre-existing, non-conforming. ► Mr. Taberner stated he thinks Mr. Lambiase's concern is that the contractor's yard is not included in the new uses; but it could continue as a pre-existing, non-conforming use. ► Chairman Mercer confirmed that whatever their current use, they would be able to keep it in perpetuity. ► Mr. Taberner stated whatever legal use they have right now, they can continue until they stop using it for a year or so, and then the building commissioner would not allow them to do it. ► Ms. Pandora Carlucci, 1 Toni Lane, speaking on behalf of

the Franklin Downtown Partnership, stated that it is the partnerships opinion that the zoning initiatives before the Town Council tonight that will create and establish the Mixed Business Innovation zoning district in the Hayward and Fisher Streets area, will help foster growth in an otherwise underutilized area. She read from a prepared statement about the reasons for their support for this new zoning district. ► Mr. Padula confirmed the pre-existing, non-conforming rights. If the use is discontinued for two years, then it is gone. ► Ms. Pellegrini asked Mr. Lambiase if he was comfortable knowing that the use rights were grandfathered in. ► Mr. Lambiase stated that he can see that the new uses could benefit the other properties; however, the change in uses will not be beneficial to the location of the two parcels he is representing. He again stated he believes the zoning change is not in his best interest. ► Mr. Kelly asked for clarification of where Mr. Lambiase's parcels were located. He stated he was confused on the argument and asked which parcels Mr. Lambiase owned. ► Mr. Lambiase stated he did not want those two parcels to be turned over to the new zoning district; he preferred them to stay as is. He asked what the harm of pulling those two parcels out of the new zone to stay as currently zoned as Industrial is. ► Mr. Taberner explained the difference between the Industrial zone and the new Mixed Business Innovation zone. He stated he thinks the use Mr. Lambiase is concerned about is the contractor's yard which is not proposed for the Mixed Business Innovation zone. He said it will not take away from the other parcels if Mr. Lambiase does not want his two parcels rezoned and confirmed that Mr. Lambiase does have his point about not wanting his parcels rezoned. ► Mr. A.J. Dooley, brother-in-law to Mr. Lambiase, stated that his wife is one of the trustees. He asked that if they were not here tonight, would this amendment have become final tonight. ► Mr. Hellen explained that there will still be one more meeting about this. ► Mr. Dooley stated he agrees with Mr. Lambiase. He is glad there is another opportunity to discuss this in order to make the correct decision for themselves as the owners of the property. ► Mr. Hellen stated that for the record, given Mr. Dooley's comments, the administration would be happy to sit down with the family and Mr. Taberner to work through this so they have a good idea about what they are looking at. There is one month before the second hearing. ► Mr. Jones asked Mr. Taberner if it were not the general goal to do away with the Industrial zone in that area. ► Mr. Taberner said Industrial was not inappropriate for that area; however, they were hoping to eliminate Industrial from that neighborhood and up-zone it so it would become a different type of uses in the area. ► Mr. Jones said he was keen on getting rid of the Industrial zone in that area. He feels it would be in the best interest. He asked if removing the two lots from the current rezoning would be a problem in the future if they were ever to seek those two lots added into the new zoning district. ► Mr. Taberner stated he did not think so. ► Mr. Cerel said it would not be a problem to extend the new zone in the future to add in the two lots. ► Mr. Taberner explained that medium Industrial is allowed in town. ► Chairman Mercer stated that as this is the first public hearing, and there is an offer out there to meet and talk through some of the issues, he thinks this should move forward like it is to a second hearing. They should then see how the meeting goes between the administration and the owners. If the feeling is still the same at the next Town Council meeting on March 13, 2019, then we can have further discussion, and if necessary, those two lots can be pulled out at that meeting. ► **MOTION to Close the public hearings by Kelly. SECOND by Jones. No Discussion.**  
 ► **VOTE: Yes-8, No-0, Absent-1.**

**LICENSE TRANSACTIONS:** *None.*

**SUBCOMMITTEE REPORTS:**

- a. **Capital Budget.** ► Chairman Mercer stated that Mr. Dellorco is not in attendance at tonight's meeting. He has been up for two days plowing and is now getting some sleep. He does not believe there was a capital subcommittee meeting.
- b. **Budget.** ► Mr. Padula stated the budget subcommittee met tonight prior to this meeting. He said that they discussed numerous issues. There was a recommendation at the meeting to adopt legislation that is coming up later in this meeting. The crux of the discussion was that based on where we have been and where we are going, we will be looking at some shortfalls in the budget going forward. He stated that Chairman Mercer requested that at the next Town Council meeting on March 13, 2019, the Finance Committee, School Committee, and Budget Committee meet to discuss some of those issues.

- c. **Economic Development.** ► Mr. Kelly stated that the EDC met tonight to have a brief meeting to discuss a couple of items; they have another meeting on March 13, 2019. He said that they are chipping away at their items and will keep chipping away at them to bring to the Town Council for approval.

#### LEGISLATION FOR ACTION:

- a. **Resolution 19-20: Adoption of Fiscal Policies (Motion to Approve Resolution 19-20 Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-20: Adoption of Fiscal Policies by Padula. SECOND by Casey. Discussion:** ► Mr. Padula stated this was voted on unanimously at the budget meeting to approve this fiscal policy. ► Mr. Nutting stated the policies are the guiding principles that the Town Council adopts; as we prepare the budget, we have a framework in which to work. These are not bylaws, but it is a goal for fiscal stability and a path forward. We have done this in the past and this is just updating a few items with the latest information. ► **VOTE: Yes-8, No-0, Absent-1.**
- b. **Zoning Bylaw Amendment 19-829: District Enumerated-Creation of Mixed Business Innovation Zoning District-1<sup>st</sup> Reading (Motion to Move Zoning Bylaw Amendment 19-829 to a 2<sup>nd</sup> Reading-Majority Vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 19-829: District Enumerated-Creation of Mixed Business Innovation Zoning District to a 2<sup>nd</sup> Reading by Kelly. SECOND by Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
- c. **Zoning Bylaw Amendment 19-830: Use Regulations-Mixed Business Innovation Zoning District-1<sup>st</sup> Reading (Motion to Move Zoning Bylaw Amendment 19-830 to a 2<sup>nd</sup> Reading-Majority Vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 19-830: Use Regulations-Mixed Business Innovation Zoning District to a 2<sup>nd</sup> Reading by Kelly. SECOND by Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
- d. **Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations-1<sup>st</sup> Reading (Motion to Move Zoning Bylaw Amendment 19-831 to a 2<sup>nd</sup> Reading-Majority Vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations to a 2<sup>nd</sup> Reading by Kelly. SECOND by Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
- e. **Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District-1<sup>st</sup> Reading (Motion to Move Zoning Bylaw Amendment 19-832 to a 2<sup>nd</sup> Reading-Majority Vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District to a 2<sup>nd</sup> Reading by Kelly. SECOND by Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
- f. **Zoning Bylaw Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation on Area on or near Fisher and Hayward Streets-1<sup>st</sup> Reading (Motion to Move Zoning Bylaw Amendment 19-833 to a 2<sup>nd</sup> Reading-Majority Vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation on Area on or near Fisher and Hayward Streets to a 2<sup>nd</sup> Reading by Kelly. SECOND by Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

- g. Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District-1<sup>st</sup> Reading (Motion to Move Zoning Bylaw Amendment 19-834 to a 2<sup>nd</sup> Reading-Majority Vote (5)).** ► **MOTION to Waive** the reading by **Padula**. **SECOND** by **Kelly**. **No Discussion**. ► **VOTE: Yes-8, No-0, Absent-1**. ► **MOTION to Move** Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District to a 2<sup>nd</sup> Reading by **Kelly**. **SECOND** by **Padula**. **No Discussion**. ► **VOTE: Yes-8, No-0, Absent-1**.
- h. Bylaw Amendment 19-836: Amendment to the Town Code to Add New Chapter 108 Library Board of Directors-1<sup>st</sup> Reading (Motion to Move Bylaw Amendment 19-836 to a 2<sup>nd</sup> Reading-Majority Vote (5)).** ► **MOTION to Waive** the reading by **Padula**. **SECOND** by **Kelly**. **No Discussion**. ► **VOTE: Yes-7, No-1, Absent-1**. (Ms. Pellegri voted No.) ► **MOTION to Move** Bylaw Amendment 19-836: Amendment to the Town Code to Add New Chapter 108 Library Board of Directors to a 2<sup>nd</sup> reading by **Kelly**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated that in 1990 the Town Council passed a resolution, not a bylaw, creating the Library Board. At the time, we had six members. He stated that along came the Charter four or five years ago, and it was reduced to five members. This will make the Library Board in compliance with the Charter by changing it from six to five members and making it a bylaw instead of a resolution, similarly to what was done with the Council on Aging. He stated they are basically an advisory board to the Town Administrator. ► Ms. Pellegri stated she remembers when this came up. She asked if it wasn't the library director and others who were not in favor of a library board of directors and then there were separate boards. ► Mr. Nutting stated that some of the members of the Town Council were confused about the proposal and thought we were going to eliminate all the current members of the Library Board and ask for new members. That was certainly not the intent. He noted the Library Trustees were here in support of this. ► **VOTE: Yes-8, No-0, Absent-1**.

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Nutting wanted to let the community know that the Fire Chief of 20 years has decided to retire at the end of the month. Chief McCarragher has done a fantastic job with the department over the years. He wished him well on his future endeavors. We will start the process on his replacement. ► Mr. Hellen offered condolences on behalf of his office to Mr. Cerel whose mother recently passed away.

**FUTURE AGENDA ITEMS:** *None*.

**COUNCIL COMMENTS:** ► Mr. Earls stated that he began serving with the Mass Municipal Councillors' Association. He had a lengthy day of meetings yesterday; he noted that many communities share many of the same issues. ► Mr. Padula stated the fire chief has done a great job and will be missed. He gave condolences to Mr. Cerel and his family. ► Ms. Hamblen gave condolences to Mr. Cerel and his family. ► Mr. Casey gave condolences to Mr. Cerel and his family. He thanked the police department for the update and presentation. He stated that they are always positive, respectful, and courteous. ► Mr. Jones gave condolences to Mr. Cerel and his family. He commented on an article in the Milford Daily News about trains and train whistles in town and that people would like to see quiet zones. He stated that he lives a few blocks from the train and it does not bother him. He knew there were trains when he moved in. He will not support any efforts to make quiet zones in the Town of Franklin for the reasons of safety and expense. ► Mr. Kelly said that Chief McCarragher will be missed. He gave condolences to Mr. Cerel and his family. ► Chairman Mercer wished Chief McCarragher the very best in his retirement; he will be missed. He gave condolences to Mr. Cerel and his family. He stated he has received a few calls and has spoken with Mr. Hellen about reinstating the Senior Center coffee meetings; it will start up again in the next weeks. The dates will be put on public access.

**EXECUTIVE SESSION:** *None*.

**ADJOURN: MOTION to Adjourn by Kelly. SECOND by Padula. No Discussion. ► VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 8:25 PM.**

Respectfully submitted,

---

Judith Lizardi  
Recording Secretary