

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
January 9, 2019**

A meeting of the Town Council was held on Wednesday, January 9, 2019, at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Patrick Casey, Robert Dellorco, Melanie Hamblen, Glenn Jones, Eamon McCarthy Earls, Thomas Mercer, Peter Padula, Deborah Pellegrini. Councilors absent: Matthew Kelly. 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. He stated that Mr. Nutting is upstairs in a negotiation prep meeting and will be joining this meeting shortly; Mr. Kelly had an emergency to deal with and he is not sure if he will be late or unable to make it to tonight's meeting.

**CITIZEN COMMENTS:** ► Ms. Teresa Burr, Town Clerk, 27 Brushwood Hill, wished everyone a Happy New Year. She reminded dog owners that dog licensing registration has started and is in effect January 1 to April 1. Dog registration can be done online or at the Town Clerk's office. The census will be going out the week of the 20<sup>th</sup>. As well, a dog registration form will be enclosed in the census. Please check the census form to confirm all data is correct and up to date. Please contact the Town Clerk's office with any questions. She stated a Top Dog drawing will take place on April 2. All the dog pictures will be put into a box and three winners will be selected. More information is available on the website or at the Town Clerk's office.

*Mr. Nutting entered the meeting at 7:05 PM.*

**APPROVAL OF MINUTES:** *November 28, 2018 and December 12, 2018.* ► **MOTION to Approve** the November 28, 2018 meeting minutes by **Dellorco**. **SECOND** by **Padula**. **No Discussion.** ► **VOTE: Yes-8, No-0, Absent-0.** ► **MOTION to Approve** the December 12, 2018 meeting minutes by **Dellorco**. **SECOND** by **Padula**. **No Discussion.** ► **VOTE: Yes-8, No-0, Absent-0.**

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

**APPOINTMENTS:** *None.*

*Note: Agenda items taken out of order.*

**PRESENTATIONS/DISCUSSIONS:** ► **OPEB Actuarial Presentation-Daniel Sherman.** ► Mr. Daniel Sherman of Sherman Actuarial Services, LLC, reviewed the three documents provided regarding the actuarial valuation of the Town of Franklin's post-retirement benefits program. He stated the valuation report contains information required by government agencies that towns have to measure their liability and put it on the financial statements. He stated the document titled "June 30, 2017, Actuarial Valuation of the Post-Retirement Benefits Plan of the Town of Franklin" is one that he is producing for all his OPEB clients. This is where the numbers are located that review concerns such as how much will this cost, when are we going to pay, and how are we going to pay. He reviewed page 3 of said document and noted that Full Pre-funding is 7.5%. As of June 30, 2017, the Unfunded Actuarial Liability was \$70,227,060. He stated that the Town of Franklin is a little ahead of its peers in funding the liability. He reviewed how much should be paid into the Trust yearly to fund this obligation. He stated that the Town pays approximately \$2.5 million as the normal cost; approximately \$3.7 million in new money would be

needed as well. He noted that in 2018 the Town put in \$800,000, but that was only a chunk of the additional \$3.7 million needed. ► Town Council members asked questions. ► Mr. Sherman then discussed the single-page document “Franklin OPEB Plan, Full Prefunding Schedule without Implicit Subsidy.” He stated this is a better document to look at for funding purposes than the chart found in the larger document that includes the implicit subsidy. He noted the ARC column is the sum of the Normal Cost and the Amortization of UAL. This is the amount the Town will want to pay each year to fund the OPEB obligation. Mr. Sherman stated this chart is based on keeping the same number of employees, a 4.5% increase in health care costs per year, and life insurance costs will not change. ► Mr. Nutting confirmed that if the Town does not pay the full amount each year, the numbers on the chart will change as more of the obligation is pushed into future years. He discussed the pension obligation and when it would be paid off. ► Mr. Sherman explained that when the pension obligation is paid off, the funds can be diverted to fund OPEB; he stated that the numbers could be rerun to show this. ► Town Council members asked questions. ► Mr. Sherman stated that only the Town of Wellesley is fully funded right now. He briefly reviewed page 5 of the “Post Retirement Benefits Actuarial Valuation of The Town of Franklin, June 30, 2018 Actuarial Valuation Report, GASB 74 & 75” document. He noted liabilities and assets and stated that at 5.7% funded, the Town is doing a little better than its peers as above 5% is a little unusual.

#### **HEARINGS:**

**a. Zoning Bylaw Amendment 18-822: Changes To §185-20. Signs.**

**b. Zoning Bylaw Amendment 18-823: Changes To Sign District Regulations**

**c. Zoning Bylaw Amendment 18-824: Changes To Sign District Overlay Map**

► Chairman Mercer declared the hearings for Zoning Bylaw Amendment 18-822, Zoning Bylaw Amendment 18-823, and Zoning Bylaw Amendment 18-824 open. ► Mr. Bryan Taberner, Director, Planning and Community Development, stated these are three amendments related to the Town’s Sign Bylaw. He stated that Zoning Bylaw Amendment 18-822 amends the main portion of the sign bylaw. The major changes relate to free standing signs, temporary signs, and political signs. Zoning Bylaw Amendment 18-823 is an amendment to the sign district regulations for dimensions and number of signs. He provided examples of potential sign problems and the proposed amended language to provide reasonable regulation and control of signs. He stated that they also added a section on construction screening in the Downtown and he discussed regulations for political signs. He stated that Zoning Bylaw Amendment 18-824 is an amendment to the Sign District Overlay Map that was created in 2012 and has not been updated since. There are several small changes to the map. Going forward, every time we have an actual zoning map change, we will change this map if it applies. He stated that the Planning Board recommended approval of these three zoning bylaw amendments to the Town Council with one recommended change in Section B 4 regarding preexisting nonconforming signs and replacement. He reviewed a minor change in Section I, Enforcement, as well. He stated the Zoning Enforcement Officer is the Building Commissioner; therefore, he suggested removing the wording listing the Franklin Police Department from this section. ► Mr. Mark Fitzgerald, Chairman, Design Review Commission, confirmed that if a sign is non-compliant and it gets damaged, it can be rebuilt as non-compliant. He asked if this policy was in line with how it is with non-compliant buildings needing repair. ► Chairman Mercer stated yes. ► Mr. Hellen stated the EDC discussed this bylaw numerous times and he believes it was a unanimous vote. ► Mr. Casey asked about enforcement. ► Mr. Taberner explained that the Building Commissioner is the enforcement agent; therefore, there is no reason to have the Franklin Police Department listed. ► Ms. Pellegrini addressed political signs and reviewed the amended wording. ► Mr. Taberner reviewed the political sign proposed changes as well as the exemptions sections. ► Mr. Ceral noted a U.S. Supreme Court decision that extends even broader protections. ► **MOTION to Close the Public Hearings for Zoning Bylaw Amendment 18-822, Zoning Bylaw Amendment 18-823, and Zoning Bylaw Amendment 18-824 by Dellorco. SECOND by Padula. No Discussion. ► VOTE: Yes-8, No-0, Absent-0.**

**LICENSE TRANSACTIONS: None.**

**PRESENTATIONS/DISCUSSIONS (continued): ► 2018-2019 Goals Update.** ► Mr. Hellen stated this is an update to the goals document that was prepared last January with the new Town Council. He stated that on the three-page document, he has provided notes in red of the current status of each goal. If a goal is crossed out, it is done. At the end of the document, items were added that came up in the middle of the year that also got done; some substantial projects have been completed. ► Chairman Mercer stated he asked Mr. Nutting and Mr. Hellen to put this on tonight's agenda so the Town Council could review it. These goals were put together on January 10, 2018. He thought it was important to see what has and has not been accomplished and if there were any items that should be added. ► Town Council members asked questions about the completed and pending goals. ► Mr. Padula asked about the \$20 to \$25 million to renovate/expand the Police Station facility. How will this study be done? ► Mr. Hellen stated they reached out to a consultant architect. He provided a quick scope and a few options for this expansion for 10,000 sq. ft. or 15,000 sq. ft. The \$20 to \$25 million is just a reasonable estimate for the current site. This money does not include any land acquisition if they wanted to put the station anywhere else. There are not a lot of sites in the community. This would get to the needs for the next 30 to 40 years; the consultant did not do a full-end study. He noted this was one of the goals of the previous Town Council as well. ► Mr. Padula stated the police force has come up with a great 4x4 schedule, more diversity, and saved money. He asked how the Town was doing on the DelCarte project. ► Mr. Hellen stated that regarding the remediation of the invasive weeds, in this year's capital funding they are recommending \$23,000 to fund the project for the next two years in order to finish. The invasive fish are a different matter; the weeds have to be taken care of first. ► Mr. Earls asked about the electric aggregation bid and the Red Brick School. ► Mr. Hellen stated that regarding the electric aggregation, they go out to bid a few times a year. Unfortunately, they have not gotten any positive bids that would really benefit the taxpayers. He stated they told the consultant that they are looking for one penny below market rate to provide benefit for the taxpayers. He will be speaking with the consultant again next week. He stated he hopes to issue a Request for Expressions of Interest for the Red Brick School this week. The goal is by the end of March to get written proposals for their vision or idea for using the Red Brick School. ► Mr. Nutting provided an update for the Nu-Style project. It has to go through permitting, the Planning Board, and Conservation. The owner wants to build a new showroom and parking area. ► Mr. Casey requested an opioid litigation update. ► Mr. Nutting stated they can provide an update in a few weeks. ► Mr. Hellen stated the Town filed the required paperwork with the law firm. ► Mr. Jones expressed concern about the region Franklin is in regarding the Municipal Aggregation. ► Mr. Hellen stated energy is different and sometimes it does not make sense; most of it is out of the control of the town. ► Chairman Mercer asked if it is worth it to put another RFI out on the South Franklin church. It is sitting there dormant. It should be used for something or get rid of it. ► Mr. Nutting stated there has never been an RFI on the church; there has been an architectural study done. He suggested the Town Council discuss what they want to achieve. He stated the building is 160 years old and it does not have a conforming lot. Most uses would require a ZBA variance. Everything around it is Residential. ► Chairman Mercer said he would like an RFI put out to see what comes back. ► Mr. Nutting asked if there should be parameters on the RFI; do they want to meet with the neighbors first? There needs to be some thought about what some acceptable uses would be. ► Chairman Mercer requested this be put on another agenda for discussion and notices be sent to neighbors to let them know there will be a discussion. ► Ms. Pellegrini suggested moving the building and attaching it to the Historical Commission building to have a twin museum. ► Ms. Hamblen asked about the police station renovation and the dispatch center. ► Mr. Nutting reviewed the police station space needs. He stated he thought it was a great location and it would be good to do a renovation. He stated that even to lease the Red Brick School there is a specific process which he reviewed. He said there are many challenges for the building.

#### **SUBCOMMITTEE REPORTS:**

- a. **Capital.** ► Mr. Dellorco said they had their first meeting tonight and had in public safety (Police and Fire) and DPW (Brutus and Water Department). Everything is looking good. We have a little over \$3.7 million to spend. It looks like it will be a very good year and a lot will get accomplished. The next meeting is next Wednesday. He stated they should be able to come to Town Council at the end of January/beginning of February with a full report.

- b. **Budget.** ► Mr. Padula stated they have a meeting on February 13, 2019. They will be looking at fiscal policies. They will be lining up some other meetings as well.
- c. **Economic Development.** ► Chairman Mercer stated he does not think they have meet since the last Town Council meeting.

#### LEGISLATION FOR ACTION:

- a. **Resolution 19-01: Acceptance of Gift - Franklin Council on Aging (Motion to Approve Resolution 19-01 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-01: Acceptance of Gift - Franklin Council on Aging, not to exceed \$1,500 from the Fletcher Hospital Corporation, by Dellorco. SECOND by Padula. Discussion:** ► Mr. Nutting stated this is some of the interest that gets used for the public good from the money Mr. Fletcher left the Town of Franklin about 100 years ago. ► **VOTE: Yes-8, No-0, Absent-0.**
- b. **Resolution 19-09: Acceptance of Gift - Franklin Police Department (Motion to Approve Resolution 19-09 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-09: Acceptance of Gift - Franklin Police Department, not to exceed \$2,500 from the Koudelka Family, by Padula. SECOND by Dellorco. Discussion:** ► Mr. Jones said thank you. ► **VOTE: Yes-8, No-0, Absent-0.**
- c. **Resolution 19-10: Acceptance of Gift - Franklin Police Department (Motion to Approve Resolution 19-10 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-10: Acceptance of Gift - Franklin Police Department, not to exceed \$100 from Joan Spiegel, by Dellorco. SECOND by Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-0.**
- d. **Resolution 19-11: Acceptance of Gift - Franklin Police Department (Motion to Approve Resolution 19-11 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-11: Acceptance of Gift - Franklin Police Department, not to exceed \$50 by Guerriere & Halnon, Inc., by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-0.**
- e. **Zoning Bylaw Amendment 18-822: Changes To §185-20. Signs – 1<sup>st</sup> Reading (Motion to Move Zoning Bylaw Amendment 18-822 to a 2<sup>nd</sup> Reading - Majority Vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-0.** ► **MOTION to Move Zoning Bylaw Amendment 18-822: Changes To §185-20. Signs to a 2<sup>nd</sup> Reading by Dellorco. SECOND by Padula. Discussion:** ► Mr. Nutting stated he would like the Town Council to offer the amendment put forth by Mr. Taberner on §185-20 Sections B and I as outlined in the memo. ► **MOTION to Amend Zoning Bylaw Amendment 18-822: Changes To §185-20. Signs., Sections B and I as outlined in the memo put forth and presented by Mr. Taberner, by Dellorco. SECOND by Padula. No Discussion.** ► **VOTE (on the amendment): Yes-8, No-0, Absent-0.** ► **VOTE (to Move Zoning Bylaw Amendment 18-822, as amended, to a 2<sup>nd</sup> Reading): Yes-8, No-0, Absent-0.**
- f. **Zoning Bylaw Amendment 18-823: Changes To Sign District Regulations – 1<sup>st</sup> Reading (Motion to Move Zoning Bylaw Amendment 18-823 to a 2<sup>nd</sup> Reading - Majority Vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-0.** ► **MOTION to Move Zoning Bylaw Amendment 18-823: Changes To Sign District Regulations to a 2<sup>nd</sup> Reading by Dellorco. SECOND by Padula. Discussion:** ► Mr. Nutting stated this is all part of the three bylaw changes. ► **VOTE: Yes-8, No-0, Absent-0.**
- g. **Zoning Bylaw Amendment 18-824: Changes To Sign District Overlay Map – 1<sup>st</sup> Reading (Motion to Move Zoning Bylaw Amendment 18-823 to a 2<sup>nd</sup> Reading - Majority Vote (5)).** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-0.** ► **MOTION to Move Zoning Bylaw Amendment 18-823: Changes To Sign District**

Overlay Map to a 2<sup>nd</sup> Reading by **Dellorco. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-0.**

- h. Bylaw Amendment 19-835: Changes to Chapter 47, Alcoholic Beverages – 1<sup>st</sup> Reading (Motion to Move Bylaw Amendment 19-835 to a 2<sup>nd</sup> Reading - Majority Vote (5)).* ► Mr. Jones read the bylaw amendment. ► **MOTION to Move** Bylaw Amendment 19-835: Changes to Chapter 47, Alcoholic Beverages to a 2<sup>nd</sup> Reading by **Padula. SECOND** by **Dellorco. Discussion:** ► Mr. Helen stated this is a proposed bylaw amendment to exempt an establishment which holds an Alcoholic Beverages Control Commission-issued farmers series license from the requirement to serve food. The EDC approved this to move to the full Council. Mr. Helen stated that additional research was done and is provided. ► **VOTE: Yes-8, No-0, Absent-0.**

**TOWN ADMINISTRATOR’S REPORT:** ► Mr. Nutting said they are at the beginning of a very challenging budget year. There are lots of meetings set up. There will not be sufficient funds for all the needs. ► Mr. Hellen congratulated Mr. Brutus Cantoreggi, DPW Director, for being chosen to be the new Town Administrator in Norfolk. He will be missed. He thinks Mr. Cantoreggi will be here for six or seven more weeks for transition.

**FUTURE AGENDA ITEMS:** ► Mr. Earls requested the Chief of Police to discuss the arrest data and some of the changes and updates to the Police Station.

**COUNCIL COMMENTS:** ► Mr. Padula, Ms. Hamblen, Mr. Casey, and Chairman Mercer congratulated Mr. Cantoreggi. ► Mr. Casey thanked those donating to the Council on Aging and the Police Department. He thanked Mr. Hellen for having the state look into the timer at the intersection at Stop & Shop. ► Mr. Nutting stated there is still more to be done with the intersection; the left-hand stack lane needs to be longer. It is the most dangerous intersection in Franklin. Hopefully, the improvements will lessen the accidents. ► Mr. Dellorco stated it was a failed intersection by DOT. ► Chairman Mercer said let’s get 2019 off to a good start.

**EXECUTIVE SESSION:** *None.*

**ADJOURN: MOTION to Adjourn** by **Padula. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-0. Meeting adjourned at 8:34 PM.**

Respectfully submitted,

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Judith Lizardi  
Recording Secretary