

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
April 12, 2017**

A meeting of the Town Council was held on Wednesday, April 12, 2017 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones, Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegri, Judith Pond Pfeffer, Robert Vallee. 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 and the Pledge of Allegiance.

APPROVAL OF MINUTES: *March 22, 2017.* ► **MOTION** to **Approve** the March 22, 2017 meeting minutes by **Mercer. SECOND** by **Padula. 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: ► Mr. Bissanti formally recognized the boys Franklin High School Panthers Basketball Team for their performance. He read a proclamation of commendation and noted the coach was named Coach of the Year.

CITIZEN COMMENTS: ► Mr. Joseph Mullen, Vice President of Friends of Franklin Library (FOFL), addressed the Town Council stating that FOFL would be selling bricks to go into the patio area of the Franklin Library. Bricks will be \$50 ea. rather than the normal \$100 ea.; there are many bricks available. For more information, contact Friends of Franklin Library; information is available on their Facebook page or email them. FOFL will be selling bricks around Town, as well. ► Mr. John Perri, 12 Pleasant Street, addressed the Town Council. He lives at the corner of Main Street and Pleasant Street near St. Mary's Church. He discussed the tulip tree on the corner of the property. He provided information packets including pictures to Town Council, Mr. Nutting, DPW Director, and Mr. Cerel. He stated the tree is partially on public property. He read his letter detailing the history of the Town's correspondence with him regarding the tree beginning with a letter from the Franklin DPW on September 21, 2015, relieving the Town of Franklin of any liability for the tree. Mr. Perri noted that he has paid for work done to prune the tree as well as for police details during said tree work. He stated the sidewalk on Pleasant Street around this tree has not been replaced. Furthermore, the DPW did trimming work on the tree and sent Mr. Perri a \$500 bill. He requested the Town Council review the past DPW decision that this tree is on private property. He would like the Town Council to provide guidance and the Town of Franklin to accept the responsibility of removing the tree if it is found to be on public property.

Chairman Kelly stated he would have the Town Administrator look into this and would be back in touch.

APPOINTMENTS: ► ***Franklin Cultural Council.*** Ms. Pfeffer read the appointment. ► **MOTION** to **Appoint** Tamara A. Starr-Perry to serve as a member of the Cultural Council, with an expiration of June 30, 2017 by **Pfeffer. SECOND** by **Mercer. Discussion.** ► Mr. Nutting stated Ms. Starr-Perry would only be appointed for two months as they spent all last year straightening out the terms of all appointed officials. She will be reappointed in June for three years. This is to keep the terms staggered. ► Ms. Starr-Perry said Hello to the Town Council. ► **VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: *None.*

LICENSE TRANSACTIONS: *None.*

PRESENTATIONS/DISCUSSIONS: *Legislative Delegation: Senator Karen Spilka, Senator Richard Ross, Representative Jeffrey Roy.* ► Senator Spilka stated the House budget came out on Monday; the Senate budget will come out in May. They will try to have the finalized budget in June. She provided an overview of this year's budget. A 4.3% revenue increase had been agreed on. Starting in February and continuing in March revenue collections have been down; currently \$220 million under the benchmark. Waiting to see if April turns out better. She stated they have met with experts to find out why revenue is not coming in the way it used to come in when economy was humming. Many other highly industrialized states are experiencing the same issue where the economy seems to be doing better, but revenues are just not coming in. A theory is developing that coming out of 2008 recession many businesses are hiring more part-time workers; there are other reasons as well why revenues may be down. Recognition that maybe next year will be just a little decreased, so they assumed 3.9% revenue which would bring in a little more than \$1 billion in new revenue to spend on local aid and other services. But, the increases in Mass Health/Medicaid portion will be more than \$1 billion resulting in not even having enough to cover the Mass Health increase, let alone local aid. She stated that in the Senate they are looking at ways to afford to give cities and towns the funding they need. For instance, the Governor and the House are looking at changing the sales tax collections. They continue to look in the budget to provide local aid, Chapter 70, needed funds, some help to reimburse the high cost of health care, and continue to provide funds for opioid addiction, substance abuse, and mental health issues. They recognize that transportation and infrastructure, Chapter 90, targeted investments and housing are priorities. ► Senator Ross stated Mr. Nutting's letter regarding 2017-2018 Legislative Priorities provided some helpful suggestions. He highlighted OPEB reform and stated he realizes this is a critical issue. He briefly noted some of the items itemized in Mr. Nutting's letter and mentioned the opioid epidemic. He noted many of the requests for funding were eliminated by 9C cuts by the Governor. There is not much that can be done about the 9C cuts besides addressing the items in the next budget cycle. He noted the Metacomet legislation and stated they are still trying to do a joint communications network between Franklin, Wrentham, Plainville, and Norfolk. He provided a brief overview of some pending legislation. ► Representative Jeff Roy provided a discussion and highlights of the House budget which was released on Monday. He stated the total State budget is \$40.3 billion: 41% of the budget consists of Mass Health and health care reform efforts; 15% goes to local aid; 15% goes to health and human services. The House budget is committed to increasing Chapter 70 aid at least \$30 per student. He discussed that they are looking to determine what is really causing Mass Health costs to increase and which employers are sending people to the Mass Health plan. He reiterated that this is a tight budget. He stated that he submitted an earmark amendment to the budget for \$50,000 to the coalition to fight substance abuse. ► Senator Ross noted the great steps Franklin takes to educate all regarding the substance abuse problem. ► Ms. Pfeffer stated that Franklin is so close to the 10 percent goal on 40Bs; what can the Town do to protect itself from further 40Bs as it causes a stain on police, fire, schools, infrastructure, etc. ► Rep. Roy stated they are debating a bill which would allow communities to count some of their lower priced houses that may not be in a 40B development towards the 10 percent goal; that could provide the relief the Town is looking for. Town Council members asked questions and the legislative delegates responded. ► Mr. Nutting noted that the new 40B developments are being brought in so close together. What can the Town do to get some relief to space out the developments; they cannot absorb so many units into the schools and Town systems at once. How about a reasonable plan for a catchup period? ► Senator Spilka stated she would take this item back for discussion. ► Chairman Kelly reiterated the difficulty for the Town in taking on so many 40Bs in a short period of time. The State is making the Town do this. ► Town Council members and Mr. Nutting continued to discuss with the legislative delegation 40Bs, as well as other topics and questions including OPEB, economic development, substance abuse funding, and 9C cuts.

Chairman Kelly called a three-minute recess.

SUBCOMMITTEE REPORTS: *None.*

LEGISLATION FOR ACTION:

► Mr. Bissanti asked the Town Attorney if he should abstain or recuse himself from this legislative item as his family owns land near this property. ► Chairman Kelly stated it was better to be safe than sorry.

Mr. Bissanti recused himself.

1. **Resolution 17-20: Chapter 61A, Non-Exercise of First Refusal Option – Property located at 4 Mount Street (Motion to Move Resolution 17-20: Majority vote (5)).** Ms. Pfeffer read the resolution. ► **MOTION to Move Resolution 17-20: Chapter 61A, Non-Exercise of First Refusal Option – Property located at 4 Mount Street by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated that under Massachusetts tax laws people that have property of more than 5 acres and use it for farming, forestry, or recreation can receive a property tax break on that land. However, when they sell it, the Town has the first right of refusal to purchase. This is a 10-acre parcel on Mount Street isolated from any other Town property and contains two horse barns, trucks, and materials. He recommended passing on the option given the initial cost, potential cleanup costs, and it is not connected to any other Town property. The Town can wait 120 days and the right expires, or Town Council can vote and the owners can move forward with their purchase and sale. ► Chairman Kelly stated the Town Council members did not receive a copy of the purchase and sale in their packets and he would like to have it sent to all members so they can confirm the price of \$365,000 to make sure the Town is not missing out on purchasing land that is actually at a lower price. ► Mr. Nutting stated if property is sold to a private owner, then they must pay the back taxes; there is a formula to calculate the taxes. ► **VOTE: Yes-8, No-0, Absent-0.**

Mr. Bissanti re-entered the meeting.

2. **Resolution 17-21: Compensation Plan, FY 2018 (Motion to Move Resolution 17-21: Majority vote (5)).** Ms. Pfeffer read the resolution. ► **MOTION to Move Resolution 17-21: Compensation Plan, FY 2018 by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated this is to adjust the wage scale of non-union employees based on CPI, collective bargaining agreements, and other personnel data. Recommendation is for a 2 percent increase in the wage scale. ► Ms. Pfeffer stated she had a problem with this; all got increases except the ones that need it most in the G1 level where pay is being reduced. ► Mr. Nutting stated the intent is to not do that; this is a range. The bottom was changed per the Recreation Director that hires 15 and 16-year-olds. ► Ms. Pfeffer stated that she thinks the Town of Franklin can afford to pay the kids \$10 per hour. ► Mr. Jones asked why is the Town below state minimum wage of \$11 per hour. ► Mr. Nutting stated it does not apply to cities and towns. He stated the Town is competitive in the marketplace. ► Ms. Pfeffer made an **Amendment to the Motion to Not Change the Minimum (\$10.00) and Mid-Range (\$11.62) Salaries for G1 positions in the Town of Franklin for the next Fiscal Year.** ► **VOTE: Yes-8, No-1, Absent-0.** (Mr. Padula voted No.) **Discussion (continued):** ► Town Council members asked about specific positions and pay. ► Mr. Padula requested clarification on the amendment just voted on. ► Mr. Nutting clarified. ► **VOTE on Resolution 17-21 as Amended: Yes-9, No-0, Absent-0.**

Mr. Bissanti Recused himself.

3. **Resolution 17-22: Town Council Approval of the Resubmittal of Zoning Bylaw Amendment 16-775: Zoning Map Changes from Rural Residential I to Residential VII of an Area on Summer Street (Motion to Move Resolution 17-22: Majority vote (5)).** Ms. Pfeffer read the resolution. ► Chairman Kelly stated that prior to taking a Motion he would like to read a letter dated April 12,

2017, from Bruce J. Hunchard, 496 Summer Street, that Chairman Kelly received this evening just prior to the Town Council meeting. He read the letter aloud; the letter requested a continuation of this resubmittal request to a Town Council meeting in June 2017. ► **MOTION to Postpone Resolution 17-22: Town Council Approval of the Resubmittal of Zoning Bylaw Amendment 16-775: Zoning Map Changes from Rural Residential I to Residential VII of an Area on Summer Street to June 28, 2017 by Vallee. SECOND by Padula. Discussion:** ► Ms. Pellegrini stated she thought it was ridiculous to postpone because it is just pushing this on and on; she thinks it should be voted on tonight. ► **ROLL CALL VOTE to Postpone Resolution 17-22 to June 28, 2017:** Dellorco-NO; Jones-NO; Kelly-YES; Mercer-NO; Padula-YES; Pellegrini-NO; Pfeffer-NO; Vallee-YES. ► **VOTE: Yes-3, No-5, Absent-0.** (Fails)

► **MOTION to Move Resolution 17-22: Town Council Approval of the Resubmittal of Zoning Bylaw Amendment 16-775: Zoning Map Changes from Rural Residential I to Residential VII of an Area on Summer Street by Pellegrini. SECOND by Dellorco. Discussion:** ► Mr. Mercer stated he has been going back and forth on this. His problem is an ethical issue. The first time this came to the Town Council, it failed. He has a problem with this coming back to the Town Council so quickly. He does not feel the rule and procedure that allows something to come back was put in place for something like this. He is going to vote against it for this reason. He noted he will be bringing up under New Business to review the Town Council's rules and procedures. ► Mr. Padula disagreed with Mr. Mercer and stated he does not see it as an ethical issue. This person wanted to get something through, it was not allowed, it was checked with Town Attorney, it is properly before the Town Council now. He stated he has no issue voting on this. Everyone thinks they can stop a 40B which is a high likelihood of what is going to go there. His vote is not going to change. ► Ms. Pfeffer said she agrees with Mr. Padula. She would rather see 34 high-end condos there than a 40B; the Town will have no control over that whatsoever. ► **ROLL CALL VOTE on Resolution 17-22 (a No vote will not move this forward; a Yes vote will move this forward):** Dellorco-NO; Jones-NO; Kelly-YES; Mercer-NO; Padula-YES; Pellegrini-NO; Pfeffer-NO; Vallee-NO. ► **VOTE: Yes-2, No-6, Absent-0.** (Fails)

Mr. Bissanti re-entered the meeting.

4. *Bylaw Amendment 17-787: Amendment to the Code of the Town of Franklin at Chapter 179, Water – 2nd Reading (Motion to Move Bylaw Amendment 17-787: Majority Roll Call vote (5)).* ► **MOTION to Waive the reading by Jones. SECOND by Vallee. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move Bylaw Amendment 17-787: Amendment to the Code of the Town of Franklin at Chapter 179, Water by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated this would clearly codify the existing practices of how a water restriction is implemented. Part of it is requirement of water permit from DEP and part of it is way to let folks know as done this summer as we had a severe drought and we had to restrict the use of water in order to protect health and safety. It does not include private wells as earlier discussed. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-9, No-0, Absent-0.**
5. *Zoning Bylaw Amendment 17-788: Definitions. Brewery, Distillery, or Winery with Tasting Room – Referral to Planning Board (Motion to Refer Bylaw Amendment 17-788 to the Planning Board Majority vote (5)).* Ms. Pfeffer read the bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 17-788: Definitions. Brewery, Distillery, or Winery with Tasting Room – Referral to Planning Board by Mercer. SECOND by Bissanti. Discussion:** ► Mr. Nutting stated he thinks this was discussed at the EDC as a way, which Jamie had led the charge, to bring a little extra economic development to maybe the downtown or the business area by allowing these activities of brewery and tasting rooms. He thought it was worthy of a discussion and hopefully adoption. ► Mr. Bissanti said

this was discussed at EDC and EDC did endorse this going forward to Town Council. It is already working; there is a man who was doing a brewery in his basement who is now renting commercial space. It is a great concept going forward; he is in favor of it. ► Ms. Pellegrini asked what was the attitude of the police on this. She expressed concern. ► Mr. Hellen stated the Police Chief was asked about two to three months ago. Chief Lynch reached out to communities that had similar initiatives; he reported back that there have been no problems at all in those communities. He noted that with these facilities there is no requirement to have food. ► Mr. Nutting noted that they can only sell what they brew. ► Mr. Cerel explained the license. ► Mr. Bissanti confirmed with Mr. Hellen that this is a State mandate statute that food does not have to be served. ► Mr. Jones said that he liked it.

► **VOTE: Yes-9, No-0, Absent-0.**

Mr. Bissanti recused himself.

6. **Bylaw Amendment 17-789: Amendment to Water System Map – 1st Reading (Motion to Move Bylaw Amendment 17-789 to a 2nd Reading: Majority vote (5)).** Ms. Pfeffer read the bylaw amendment. ► **MOTION to Move** Bylaw Amendment 17-789: Amendment to Water System Map, to a 2nd reading by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated the Town received an application for a water system extension permit from Amego, Inc. to provide water service to 3 Mount Street; the proposal for this 10-acre parcel will be a school for approximately 75 children with autism and intellectual disabilities. DPW recommended drainage and road improvements if approved. It would extend the water line to eight existing homes, as well. ► Mr. John Randall, President & CEO of Amego, Inc., stated that Mr. Nutting summarized the proposal very well. He stated that currently the school is located in Attleboro and serves about 50 children; this would move the current location to Franklin and they could expand to serve an additional 25 students. It is a critical service to districts throughout the area. ► Mr. Bill Masiello, architect for the applicant, provided an overview of the project plans. He noted they would like to include an agricultural component. Possibly in the future they may want to have a farm stand. They would like to incorporate walking trails and paths for the students and staff. Water connection is about 350 ft. away; sewer connection is about 700 ft. away. They are hoping to receive approval. ► Ms. Pfeffer stated the Town Council does not know who Amego, Inc. is. How does the Town Council know they are going to do what they say they are going to do? Are students going to live there? ► Mr. Randall said they do have some residential; they currently have four homes where children can live. They have a day-only component, as well. He stated their finances are public and their rates are set by the State. They currently have a 43,000 sq. ft. building in Attleboro that they own. He reviewed their other buildings. This location in Franklin would be for kids only. They have been around for 45 years. ► Ms. Pfeffer stated the Town Council has been very stringent in extending water and sewer rights. ► Mr. Nutting stated this Resolution is specific to them and specific to a school for autism and intellectual disabilities. He stated this was done once before and they restricted what it could be. ► Mr. Padula questioned a scenario where the proposed development changes and asked what happens to the water line. ► Mr. Nutting and Town Council discussed said scenario. ► Mr. Padula stated he would be in favor of a restrictive covenant in the deed. ► Mr. Randall stated they were planning one group home of approximately six to eight children and the school. ► Mr. Dellorco stated he thinks it is a great idea. ► Ms. Monique Allen, 1 Christine Avenue, asked what would the profile of the main building look like. In addition, she stated she is concerned about water in the Town, wells that need work, potential for future 40Bs, and not having enough water. Is the Town really thinking about water needs? She asked why a development such as this could not put in a private well. ► Mr. Masiello stated the school would teach living skills for people. He described the general plans for vehicle drop off locations, walking trails, and the two-story school building, but noted the specific plans have not been developed. ► Mr. Padula asked Mr. Nutting to further explain the previous resolution regarding water that was just voted on. ► Mr. Nutting stated the previous resolution just spelled out in a comprehensive way the practices that have been instituted in the last 15 years in terms of water permit

from DEP and restricting water use in a drought condition; it codified an existing practice. He stated that if the developer is willing to do the covenant, that would eliminate any concern. He recommended moving this to a second reading and in the meantime discussing proposed covenant with developer and changing language before the final vote. ► Mr. Stephen Valutkevich, 1 Ribero Drive, stated that a recent six home development in the area did not get Town water and this residential home and school will be a much higher draw on the infrastructure. He does not think this proposed development is a good idea. ► Mr. Nutting stated the developer of the six homes on Upper Union Street made no request for Town water extension. ► Mr. Masiello stated a private water supply could not be put in for this use as a school with this capacity. ► **VOTE: Yes-8, No-0, Absent-0.**

- 7. Bylaw Amendment 17-790: Amendment to Sewer System Map – 1st Reading (Motion to Move Bylaw Amendment 17-790 to a 2nd Reading - Majority vote (5)). ► MOTION to Waive the reading by Jones. SECOND by Dellorco. No Discussion. ► VOTE: Yes-8, No-0, Absent-0. ► MOTION to Move Bylaw Amendment 17-790: Amendment to Sewer System Map, to a 2nd reading by Mercer. SECOND by Dellorco. Discussion: ► Mr. Padula confirmed that the same covenant restriction would be applied. ► VOTE: Yes-8, No-0, Absent-0**

Mr. Bissanti re-entered the meeting.

TOWN ADMINISTRATOR'S REPORT: None.

FUTURE AGENDA ITEMS: ► Mr. Bissanti stated he keeps asking to review the Alcohol Awareness Bylaw. ► Chairman Kelly stated that if additional Town Council members other than just Mr. Bissanti request this, he will put it on the agenda; the member(s) would need to send Chairman Kelly an email. ► Ms. Pellegrini stated she has asked before and would like the Ethics Committee to give a presentation. ► Chairman Kelly stated they were looking into this. He stated she was the only Town Council member that requested this. ► Mr. Mercer stated he would like to put on a future agenda, ask administration, or appoint a subcommittee to review the Town Council's rules and procedures as they have not been looked at in at least 10 years. ► Chairman Kelly asked Mr. Nutting to put this on as a discussion.

COUNCIL COMMENTS: ► Ms. Pellegrini reminded all of the statute dedication on Sunday, May 7, 2017, at 11:00 AM. Coffee and light refreshments will be offered from 10:00 AM; light lunch after statute unveiling. The public is invited; some of the roads in the area will be closed off at the dedication time. They are offering 200 limited edition Horace Mann mugs at \$10.00 each. ► Mr. Padula thanked the Legislative Delegation; they did a wonderful job. ► Mr. Mercer congratulated the High School Basketball team. ► Mr. Jones stated he wants to make sure that the tree Mr. Perri is referring to is looked at. ► Mr. Dellorco thanked the Legislative Delegation, congratulated the basketball team, and wished best of luck to Joseph Connolly who resigned today as the Norfolk County Treasurer. ► Mr. Bissanti stated now that the issue of Zone VII is defeated, he would like to speak to the 40B issue and why we are looking at so many 40Bs. The problem is that there is not the right zoning in Town and the density to attract the kind of development that we need. The doors are open for 40Bs; the Town is at 9.32 percent. People need to understand it is out of the Town Council and Planning Board's jurisdiction with the 40Bs. ► Ms. Pfeiffer stated the Franklin Library will be gorgeous when it is done. She noted that the patio bricks will be sold at \$50 each; any money to support that effort will go back into the library. ► Chairman Kelly discussed the 30 plus emails he received over the last 10 days regarding zoning item 16-775. He does not mind disagreeing with someone in the Town about what they feel. But, for them to have the opinion that *I moved into this Town and now I don't want any more building* is wrong. The nine Town Council members work very hard for the citizens. Emails and phone calls with name-calling, profanity, and inappropriate language/behaviors are wrong for citizens of Franklin just because they disagree with Town Council. He stated this is a thankless job, but we do it because we care about Franklin. He hopes people think more about what they say and write.

EXECUTIVE SESSION: *None.*

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

Respectfully submitted,

Judith Lizardi
Recording Secretary