

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
February 24, 2016**

A meeting of the Town Council was held on Wednesday, February 24, 2016 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones, Matthew Kelly, Thomas Mercer (by remote participation), 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: *January 20, 2016, February 3, 2016.* ► **MOTION** to **Approve** the January 20, 2016 meeting minutes and the February 3, 2016 meeting minutes by **Jones**. **SECOND** by **Dellorco**. **No Discussion**. **VOTE: Yes-8, No-0, Absent-1.** (Mr. Mercer had not yet arrived.)

ANNOUNCEMENTS: ► Chairman Kelly announced the meeting would be 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: **None.**

CITIZEN COMMENTS: ► Brett Feldman, 37 Meadowbrook Road, requested the DelCarte playground status and the Town's next steps regarding the EPA's regulations for the Charles River controls.

APPOINTMENTS: ► *Disability Commission.* Ms. Pfeffer read the appointment. **MOTION** to **Ratify** the appointment by the Town Administrator of Karen Gordon to serve as a member of the Franklin Disability Commission by **Pfeffer**. **SECOND** by **Jones**. **No Discussion**. **VOTE: Yes-8, No-0, Absent-1.** (Mr. Mercer had not yet arrived.)

► *Election Workers.* Ms. Pfeffer read the appointment and list of election workers. **MOTION** to **Ratify** the appointment by the Town Administrator of the Election Workers on the attached list as requested by the Town Clerk by **Pfeffer**. **SECOND** by **Jones**. **No Discussion**. **VOTE: Yes-8, No-0, Absent-1.** (Mr. Mercer had not yet arrived.)

► *Council on Aging.* Ms. Pfeffer read the appointment. **MOTION** to **Ratify** the appointment of Gail Chirdon by the Town Administrator to serve as a member of the Council on Aging by **Pfeffer**. **SECOND** by **Jones**. **No Discussion**. **VOTE: Yes-8, No-0, Absent-1.** (Mr. Mercer had not yet arrived.)

HEARINGS: **None.**

LICENSE TRANSACTIONS: **None.**

PRESENTATIONS/DISCUSSIONS: ► *Spectra Energy.* ■ Jon Bonsall representing Algonquin Gas Transmission addressed the Town Council. He was joined by Algonquin project team members Frank Gessner, responsible for landowner outreach; Terry Doyle, responsible for environmental permitting; Arthur Diestel, responsible for outreach to organizations and stakeholders; and Peter Kerrigan, area supervisor for operations group. Mr. Bonsall provided an overview of the project during the narrated slide show presentation with comments and questions by both citizens and councilors with responses by the Algonquin presenters. He stated Algonquin is the project proponent of Access Northeast. Algonquin Gas

Transmission is owned by Spectra Energy and the names are often used interchangeably. The three project developers include Eversource Energy, National Grid, and Spectra Energy. He stated a challenge facing New England is the lack of energy infrastructure and noted New England has the highest energy prices in the continental US. This project is intended to address the current pipeline constraints especially during peak periods and will meet the growing demand for natural gas for both heating and power generation. The Access Northeast project is sized and designed to meet the needs in the region. He stated approximately 95 percent of the project will utilize existing pipeline, utility corridors, roadway corridors and natural gas infrastructure, thus minimizing environmental and community effects. ■Mr. Nutting stated there are many issues, but first and foremost is the health and safety of the people of Franklin and the abutters to the pipeline. He asked the presenters to address safety concerns of the residents. ■Mr. Gessner addressed safety issues and stated he has worked with landowners along the route to find the best location for the pipeline. In construction phase all welds are X-ray inspected and operational safety includes gas control 24/7/365 protection and monitoring.

Citizen Comments: ■James Hill, 5 Gloucester Drive, stated the analysis for the cost savings were based on the prior two years which were abnormally cold winters. He said Spectra has applied to the Department of Public Utilities to add a fee to the Massachusetts ratepayers' electric bills so the ratepayers can pay for this pipeline. He also stated there were many leaks as indicated in Senator Markey's report. ■Gail Chiridon, 14B Hawthorne Village, stated concern that the pipeline would run under the Charles River and that frost heaves would be a problem for the pipeline. As well, she asked what percent of the gas going through the pipeline would be meant for this area and what percent would be going up to Canada and facilities there. ■Raymond Milici, 75 Grey Wolf Drive, granted his three minutes of speaking time to James Hill. ■Mr. Hill stated there is a great deal of money to be made in exporting liquefied natural gas. The US has a lot of fracked gas to sell; Europe is the recipient if Spectra can export out of Nova Scotia. He noted that although the presenters indicated pipelines last forever, he questioned what lasts forever. He asked when the last time the pipes were inspected.

■Mr. Gessner stated the pipeline could be as deep as 120 ft., therefore, it would be far under the Charles River. Frost does not have any effect on the pipeline. This project is sized and designed for this region and is not designed for exporting gas. They have a vigorous pipeline inspection procedure and a good safety and inspection record.

Councilor Comments: ■Ms. Pfeffer asked if residents know they are abutting the pipeline. She said she does not understand why a 30-mile lateral is the best decision to bring more gas to Massachusetts and noted she is only concerned with Franklin. ■Mr. Vallee said he believes they should do what is for the greater good and what is best for the citizens. He has heard no arguments to not support the expansion of the gas line. Other sources of energy are far more polluting and without the competition the price of electricity will increase greatly. ■Mr. Dellorco stated concern with the safety of the two gas lines so close to each other. ■Mr. Bissanti asked how the project is mitigated when there is a vocal community with residents that may be opposed. ■Mr. Jones stated the fear is the safety of building this pipeline. He asked if they can reassure the citizens that this will not have an environmental impact to residents' homes and the community. ■Chairman Kelly asked how the pipes are brought to the site. He noted the Franklin roads are being repaired and now 18-wheelers will be travelling on them and making them worse. To have the pipeline construction trucks use these roads is a great concern.

■Mr. Gessner responded that there should be an easement in a property owner's deed when they bought the property and every year a landowner abutter is sent an information letter. He stated the pipeline will be parallel to the current pipeline as they are encouraged to use exiting corridors. Pipeline testing and safety is taken seriously. To bring in the pipes they will use existing highways and right-of-ways. They will be using 30-inch pipe as determined by engineers based on capacity. If there were ever an issue, a line can be shut down remotely if needed. They work with all municipalities and towns, and meet with property owners privately and publically and address concerns. Then they have to negotiate with the

property owners to resolve and address the money issue for the landowner. They do not just take the land; they provide money compensation.

Thomas Mercer entered the meeting (by remote participation) at approximately 8:15 PM.

Chairman Kelly called a three-minute recess.

► **Conservation Commission: DelCarte Property.** ■ George Russell, Conservation Agent, and Paul Harrington, Vice Chairman Conservation Commission, addressed the Town Council on the DelCarte property. Mr. Russell stated the ecological environment within the pond was studied by ESS Group. They outlined the present conditions and measures needed to ensure long-term health and viability of the water bodies. ESS concluded the major problem facing the water bodies is invasive aquatic plant life. Until it is addressed any other marine life within the water system will be choked out. ESS's recommendations for Years 1 and 2 involve herbicides to address the invasive plants, and Year 3 is designed to increase the spawning habitat. Mr. Russell requested funding to implement these measures including herbicide, permitting fees for local Conservation Commission and State of MA, and contingency fees. He stated the \$5,000 permitting fee included the peer review consultant fee to prepare the NOI and applications for Mass. DEP. Probably, over time, invasive species, both plant and fish such as carp, were introduced into DelCarte ponds. There will have to be constant monitoring of the water bodies to make sure the invasive species do not return. Most likely, the pond would not be closed for recreational activities except for a short time after the herbicide is applied. The hope is to dramatically reduce the invasive species so the healthy non-invasive species will survive. He stated the higher than recommended nitrogen level in the ponds may be caused by lawn fertilizer. Currently, if the ponds were stocked, the fish would probably die. The beavers do not have to be addressed at this time. ■ Mr. Bissanti stated in other towns water level of pond is reduced to create a deep freeze which kills many of the weeds. ■ Mr. Russell said a risk is this could kill the fish eggs. ■ Mr. Nutting stated the Capital Budget Committee starts their review next week and he is recommending \$100,000 that is left over in the DelCarte fund be put toward this issue to address the first few years, and then put \$50,000 aside every year. This will be up for Town Council consideration in the next few months.

► **Wetland Bylaw.** ■ Mr. Russell discussed the request to amend the local wetlands bylaw, Chapter 181-2, Section B. The way the local wetlands bylaw is written is that any fresh water wetlands is subject to permitting by the Conservation Commission. Manmade retention and detention basins under the State statute are not subject to permitting by the local wetlands commission, but they are subject to permitting under the local bylaw if they become a wetland. The Conservation Commission has extensively discussed this and has voted to take the position that the bylaw should not be changed. He stressed if detention and retention basins are properly maintained, cleaned out with the sediment removed every few years, the probability of that basin becoming a wetland is extremely remote. The problem is when the basins are not maintained then the basin begins to exhibit characteristics of becoming a wetland. A wetland is not based on water; it is based on the land and the vegetation. There has to be land characteristic changes in the basin for it to become a wetland. For instance, skunk cabbage only grows in a wetland, so if it is found, then it is a wetland. He reviewed the provided diagrams showing all basins in Town both maintained by Town and privately. He stated if the bylaw stays as is and the private and public sectors maintain the basins as required, those basins will probably not become wetlands. If the basins are removed from permitting jurisdiction under the local bylaw, he noted that in some cases the basin, depending upon its location, may still be subject to permitting under the State law. Because of this and reasons listed in the memo dated February 2, 2016 to the Town Administrator, the Conservation Commission voted unanimously to recommend that the bylaw not be amended. ■ Mr. Harrington added this will also allow some oversight in the cases where the basins were neglected and without the current verbiage, all oversight would be lost. ■ Ms. Pfeffer questioned if a developer builds a subdivision with a basin and the developer goes under, causing the basin to not be maintained and skunk cabbage grows, it is now a wetland which will subject future builders to have to work around the wetland and buffer. ■ Mr.

Harrington confirmed that if it does become a wetland the builders could then go before the Conservation Commission with an RDA or NOI with plan to address the issue. It could be reverted to a basin; there is just oversight to make sure it is done properly. ■ Mr. Vallee stated that having the basins is a large waste of land and money. ■ Mr. Russell stated the DPW is responsible to maintain 98 basins, of which many are becoming wetlands. Subdivision basins are stormwater management tools there to collect drainage runoff of the impervious surfaces. ■ Mr. Nutting stated that subdivisions get built which have to have retention ponds. Then the Town accepts the subdivision and owns the maintenance of them. The Town has not increased the DPW staff in 40 years. Under stormwater management regulations the Town has to go in and maintain those retention basins. The Town needs to take this issue on and is looking at a way to get permitting without going through hoops required which is how this conversation began. How is the Town going to take on 98 of these; it is an annual event. It is a lot of money, time, and energy. ■ Mr. Russell stated it is the Town's bylaw. The Conservation Commission is only making a recommendation and will go along with the rules determined. He recommended if bylaw is to be eliminated it should be eliminated for all, not just for the Town. ■ Mr. Bissanti stated he had objections and did not understand why the local bylaw has to supersede the State bylaw. He stated had the Town kept in line with the State bylaw, when the DPW came before the Town Council a few months ago, they would have been able to do what they needed to do. The Town is creating a lot of wetlands and buffers which were originally manmade. This encumbers real estate land. ■ Mr. Cerel provided the distinction between retention and detention basins. ■ Ms. Pellegrini asked about mosquito control for the basins.

SUBCOMMITTEE REPORTS: ► *Community Liaison Update*. ■ As the communication liaison for the Town Council, Mr. Jones stated he has been working with administration and others in Town to improve communication. He read from Deputy Administrator Jamie Hellen's memo highlighting items being worked on to enhance and renew focus on communication including daily Facebook posts and tweets which have increased the number of followers. Some Town websites have been updated and getting more pictures online. He stated it would be nice to hire person with sole focus to do PR. He thanked Steve Sherlock for his continued work in getting out the Town news with his websites. Also, looking at how Franklin TV can improve its communication with the Town such as more shows. ► *Economic Development Committee*. ■ Mr. Bissanti announced EDC meeting on March 2, 2016.

LEGISLATION FOR ACTION:

- 1. Resolution 16-08: Appropriation: Facilities Van.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-08 for appropriation of facilities van by **Pfeffer**. **SECOND** by **Jones**. **Discussion:** ► Mr. Nutting stated the carpenter is using his own vehicles now, so would like to fast track this. ► Ms. Pfeffer requested that in the future the Town Administrator provide listing of all accounts with leftover monies. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**
- 2. Resolution 16-09: Rescind Borrowing Authority (Resolution 15-15, Purchase and Renovation of Improved Property for Franklin Recreation Department) Fund Through Appropriation.** **MOTION to Waive** the Reading by **Pfeffer**. **SECOND** by **Bissanti**. **No Discussion.** ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.** **MOTION to Move** Resolution 16-09 to rescind borrowing authority (Resolution 15-15, Purchase and Renovation of Improved Property for Franklin Recreation Department) fund through appropriation by **Jones**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Nutting stated last year money was appropriated to buy and renovate the Beaver Street Recreation facility and this will pay off that loan and provide funds to finish the project. The funds are coming from sale of the Emmons Street property (\$500,000.00) and the remaining balance is coming from Overlay Reserve. ► **ROLL CALL VOTE:** Bissanti-YES;

Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**

3. **Resolution 16-10: Ratification of the Memorandum of Agreement between the Department of Public Works, ASFME – Local 1298, Council 93 and the Town of Franklin.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 16-10 for ratification of the Memorandum of Agreement between the Department of Public Works, ASFME – Local 1298, Council 93 and the Town of Franklin by Jones. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated this is to ratify the seventh of nine collective bargaining agreements that the Town has settled for a three-year period consistent with other negotiated agreements with the DPW. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting stated he has received a resignation notice from Police Chief Stephan Semerjian who will retire before June 30th of this year. He wished him well. ► Capital Budget Committee will meet next week to review the capital starting at 6 PM on Tuesday. The budget is under review. ► There will be a meeting in the next 10 days so with the manufacturer to go over the DelCarte playground issues. ► Councilor Mercer will address the high school issue. ► Stormwater regulations have not been issued and not expected for 4-6 weeks. Therefore, he cannot comment on citizen Brett Feldman’s question. ► Mr. Hellen stated this is a public comment period for the Community Municipal Aggregation which ends at the next meeting in March. They have received many comments already. Hopefully, there will be a short presentation by the consultants. Information is also on website.

OLD BUSINESS: ► Mr. Vallee discussed condition of parking lot at train station. It has been worked on repeatedly over the years, but it is in worse condition now than ever. There are 13 stops between here and Boston and it is very embarrassing. Pressure needs to be put on somebody as something has to be done. ► Mr. Nutting stated the Town has no control over MBTA property. ► Mr. Dellorco stated he can reach out and make a call and maybe get a meeting set up. ► Mr. Jones requested getting School Dude reports on a regular basis as to current orders/top priorities on repairs to the schools and facilities in the Town. Councilor members have not seen any such reports in some time. ► Mr. Bissanti requested an update on the Alcohol Awareness bylaw status. ► Mr. Nutting stated it is on the next agenda. ► Ms. Pfeffer stated Chris Herren will be at the High School for a few seminars regarding drug overdoses as part of the SAFE Community Outreach.

NEW BUSINESS: ► Mr. Vallee requested an update on the progress of the radio station in Town and any new programs being developed by the TV station. ► Chairman Kelly requested a facilities presentation.

COUNCIL COMMENTS: ► Mr. Mercer discussed the water issue at the High School last week regarding sprinkler heads that froze and broke over the principal’s office. Fortunately, the damage was held to the administration area. He noted this has been an ongoing issue from day one. There is a problem maintaining heating level at this end of the building and it has been well documented. It was part of the original punch list. There has been a lot of finger pointing but the bottom line is that it needs to be dealt with. A group of those involved met yesterday to come up with solutions. Need to get heat to appropriate levels and maintain it. Second group meeting scheduled for March 9 to determine ultimate solution. It will be done at no cost to the Town. ► Ms. Pellegri reminded all that March 1 is voting day. ► Mr. Jones thanked all those that help out with the polls. ► Mr. Bissanti gave condolences to the Buchanio family. ► Chairman Kelly congratulated the Police Department in retirement of their canine dog. Also, Travis McCready, President and CEO of Mass. Life Sciences Center will be in Franklin on Friday conducting a business and education round table hosted by Representative Roy, Senator Spilka and Senator Ross’ offices. Happy Birthday to Judy Pfeffer.

EXECUTIVE SESSION: None.

ADJOURN: MOTION to Adjourn by Kelly. SECOND by Vallee. ► ROLL CALL VOTE: Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 9:41 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary