

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
February 3, 2016**

A meeting of the Town Council was held on Wednesday, February 3, 2016 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. Councilors absent: Robert Vallee. 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: None.

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: ► James Hill, 5 Gloucester Drive, also speaking for Ray Milici, 75 Grey Wolf Drive, presented a follow up to the January 6 No Spectra Gas Pipeline presentation. He stated he is sharing the concerns of many Franklin residents about the safety of gas pipelines. He said the current pipeline is within 20 feet of some homes. The high consequence areas (HCAs) are within 660 feet radius. There was a gas leak in Medway on January 5. He cited facts and studies about pipeline dangers such as leaks and sparks that could cause a catastrophic incident or explosion. Given track record of pipelines, extreme pressure, and proposed location of new pipeline, he asked Town Council to consider both the safety of the Franklin citizens and legal ways to protect Town from this undesirable development.

APPOINTMENTS: None.

HEARINGS: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► *Billboard Discussion.* ■ Mr. Nutting stated the Economic Development Committee had a presentation on the potential of a billboard on Rt. 495 near Grove and Beaver Streets. The proponent suggested a rezone of the area to allow up to three billboards. The EDC recommended a presentation to the full Town Council. There was a miscommunication about the last meeting, but they are here tonight. ■ Michael Doherty and Dave Gannon from Independent Outdoor stated they are proposing an amendment to the Town bylaw to allow electronic billboards on Rt. 495. It would not allow billboards in other places in Town, only abutting the interstate highway. There are no homes near the proposed location, only businesses; would only be visible from Rt. 495 and would not bother homes or property values. There would be benefits to the Town; client will pay \$40,000 per year for 20 years for this and willing to front-load for a number of years. That money could help Town and provide opportunity for bonding/borrowing money. Additional benefits include Town having right to put public service announcements on billboard. As long as the billboard is there, the money will be there. ■ Mr. Jones opined it would be an eyesore and distraction on the road, and \$40,000 is not a lot of money. ■ Ms. Pfeffer opined when driving on Rt. 495 no one will know if the sign is in Bellingham or Franklin, but \$40,000 per year is much too little. Money could go to the Recreation Department, High School for children's sports, Senior Center, etc. She has no problem with the sign. ■ Mr. Cerel stated what is being

asked for is zoning relief, so have to deal with the bigger issues. Compensation is a dicey matter and should be secondary, not primary motivator. If incidentally there was some compensation after it is in place that is another thing. ■Mr. Padula remarked it would be horrible for Franklin to have a sign flashing even for \$100,000. ■Ms. Pellegrini stated she has seen signs on other highway areas and does not have a problem with them. She likes the idea of an Amber Alert or other state-wide information. She questioned if the \$40,000 was the cost for the permit and noted the money could be used to take care of an employee's salary. ■Mr. Mercer stated the Council cannot be asked for or negotiate for any money from a person or corporation looking to put a sign up just for changing zoning. ■Mr. Nutting stated this is a zoning issue, not a money issue. People are free to donate money to the Town. He stated the Town has worked for a long time to improve its image such as the Common, Downtown, new high school, and does not understand how a billboard would enhance or add value to the image of Franklin. It has been denied in Bellingham. ■Mr. Jones questioned if zoning changed to accommodate this sign what can of worms would be opened if do it for one and not for others. Therefore, he does not support this. ■Bryan Taberner stated he would not recommend going down this road; cannot just allow it for one sign. ■Mr. Doherty stated if Town puts even more restrictions on bylaw than state and federal regulations there may be only three other locations in Town where such signs could be placed. ■Mr. Cerel stated when sign bylaw was rewritten, great pains were taken to make sure it did not allow anything moving or flashing. If Council allows these on Rt. 495 making current bylaw weaker, it may have unintended consequences. ■Mr. Bissanti stated he never liked current sign bylaw. It is 2016 and state highways have signs flashing to tell drivers what to do. He does not find it offensive and does not think it takes away from New England flavor; bylaw must be written tightly. He stated he was on the fence about this. ■Eileen Mason, 62 Beaver Street, stated there is no way an electronic sign on Rt. 495 goes along with the Franklin character, values, and ethics of the Town, and should never take a bribe or money for changing zoning bylaws. Also, the location of this sign has changed from the last meeting. ■Michael Pearce, 2 Ashbury Drive, stated this is a horrible idea and does not want to see it in Town.

► **Recreation Department Update.** ■Mr. Ryan Jette, Recreation Director, and Megan Woodacre, Program Coordinator, appeared before the Town Council. Mr. Jette provided an update on the new Beaver Street building and the Recreation Department which offers a variety of programs and events and continues to grow each year. About 5,296 children enrolled in programs. Brought in \$508,406 revenue last year; exceeded expenses and salaries combined. They had over 85 programs ranging from arts, sports, and summer camps. Department runs events during holiday season, provides lessons, community service projects and opportunities, and seasonal programs. Staff includes 1 full-time director, 1 full-time program coordinator, and 2 part-time administrative which make up about 47% of salary budget. Other 53% includes camp counselors, life guards, gate guards, certified preschool teachers, referees, etc. Also, responsible for permitting all fields; work with DPW to make sure playgrounds are up to code. Department uses social media. He noted majority of the space at the new building was done by Town employees. He thanked many people for their help and support and noted it was a great undertaking and saved Town money. New building should be complete in 2016. ■Chairman Kelly noted grand opening for Recreation Center in future. ■Ms. Pfeffer asked the amount of excess revenue brought in by the department and where it went. She thanked Mr. Jette for having 19 seniors from the Senior Work-off program. ■Mr. Jette said each year they try to break even; last year they brought in about \$16,000 extra which goes into the General Fund. ■Mr. Padula thanked them for keeping kids off the street and out of trouble, and for their hard work. ■Councilors Jones, Dellorco and Mercer praised Mr. Jette and the Recreation Department and stated there is no better service to the children. ■Chairman Kelly noted working with manufacture to get playground fixed or replaced.

► **Mandatory Alcohol Awareness Training.** ■Mr. Nutting reiterated Mr. Bissanti's request to put before the Council a consideration of whether all alcohol license holders should be required to have mandatory alcohol awareness training for all employees. The draft bylaw was put together with the idea if Town Council wanted to move forward would send it to all license holders and invite them to future

Council meeting for comments prior to a decision. Mr. Cerel prepared the draft based on Brookline. ■Ms. Pfeffer read the bylaw draft. ■Mr. Cerel stated many of the tests/trainings are done online. For a new licensee, this can be required before the license is given. The way it is currently worded does not allow for grandfathering. He remarked in past 14 years overall there have been very few problems compared to other municipalities. ■Councilors discussed testing frequency for managers and employees, how to verify certification, and what happens when managers change positions. ■Mr. Bissanti thanked the Town Council for support on this effort and the Town Attorney for working on draft. ■Council members requested license holders come in and provide feedback on a future agenda. ■Mark Lenzi, Franklin Liquors, thanked the Town Council for initiating this bylaw and thinks it is great for the community. He noted there is no state requirement for the training. But, the way the bylaw is written it is really not taking into account the four ways liquor is being sold today: small retail, large retail, restaurant servers, and bartenders. Therefore, should look at the bylaw in different ways. Also, should think of each business as a safety officer and let each owner do their own safety training such as alcohol awareness. He mentioned programs in towns of Plymouth and Framingham. ■Chairman Kelly suggested Mr. Cerel look at both mentioned towns. ■Mr. Cerel stated Framingham was over the top; he has not looked at Plymouth. ■Mr. Nutting suggested putting item on March agenda, get everyone's suggestions, make changes, and return with revised version.

► **Master Plan Update.** ■Mr. Nutting stated every year he tries to give Town Council and citizens an update as to what has taken place in the previous year. Bryan Taberner, AICP, Director, prepared the Master Plan Implementation Annual Update document. The Town Council has moved the community forward. He noted some of the Town's accomplishments including the DelCarte study, some open space purchased, Sculpture Park opened, some rezoning done, and working on Downtown roadway. Six to eight years from now can see what the goal was and what has been accomplished. ■Ms. Pfeffer questioned if Open Space Committee should be brought back. She noted concern about Town's water needs. ■Mr. Nutting stated until space becomes available there is not much for an Open Space Committee to do. Between the Town Council and the staff, the role is well serviced. Want to maintain water system and expansion is at the discretion of the Council. Wells 3 & 6 need to be studied to meet future water quality standards which is in the capital budget. Town does not use the capacity allowed to pump under permit. On average, have reduced overall consumption from 3.1 to 2.6 million gallons per day; use less water today than ten years ago with more people. ■Mr. Bissanti asked if some of the trails could be connected. ■Mr. Nutting said it would be great but need to purchase all the missing pieces. Part of the Open Space and Recreation Plan that is currently being updated would give an idea on this. ■Mr. Taberner stated there are some possibilities, but to connect three communities is a major expense; it would be a good long-term goal. ■Mr. Jones stated he was on the Open Space Committee eight years ago. It was a small group and overall the items that the Committee addressed were far and few between. ■Mr. Mercer asked where they are with the neighborhood commercial zoning district pieces. ■Mr. Taberner stated working in-house and will have meeting soon. ■Mr. Nutting stated he believes the current zoning bylaw should be abolished and a new neighborhood commercial should be written more suited to the intent. In 15 years it has never been implemented in its current form and staff is trying to brainstorm how to make this work. ■Stephanie Pazniokas, 4 Hilltop Road, mentioned recent meeting regarding Mine Brook access, and noted it was going to be expensive, but understands from meeting looking for sources of funding and it is going to be a big project. She stated a lot of opportunity for successful fundraising from many interested parties. She asked not to let the funding concern direct whether or not that would go forward. ■Mr. Nutting said need to develop plan before can determine what is needed or asked for. Thinks it is a great idea. He concurred with Ms. Pazniokas's statement. ■Chairman Kelly said Open Space presentation on future agenda.

► **Pond Street Discussion.** ■Chairman Kelly stated all Council members received packets outlining Options #1, #2, and #3. He would like to have non-binding, straw poll vote to determine direction of the Council. ■Gail Irwin, 56 Hilltop Road, asked for the three options to be clarified. ■Ms. Pfeffer read the memorandum: Option #1 is to work with the current RFP for the 85 condominiums. Option #2 is to reject

the current bid and issue a new RFP. Option #3 is to take no action. ■Maura Pearce, 2 Ashbury Drive, requested that before residents comment, Council members should comment. ■Mr. Padula stated he has been on EDC and the project has been around for a long time. It is time to do something. He is in favor of Option #1. ■Mr. Jones stated he concurs with Mr. Padula to move forward with Option #1. ■Mr. Bissanti said everyone knows his position. ■Mr. Dellorco said he was at first going to opt for doing nothing, but neighborhood seems all set with condos. He is against hotel or commercial at the site. He is in favor of Option #1. ■Ms. Pfeffer said she does not think anything should be done. The Department of Transportation just did study so should wait for their report. Was in favor of getting rid of land to commercial thinking Town would bring in some money on this. But now, this is not going to bring any money. Town will get \$1.5 million that will sit in capital account and cannot be touched until Town gets another capital project. Only \$300,000 in taxes and will have extra kids. Now have 280 apartment unit development coming up on West Central Street, 40B, and many will be three bedrooms. This will be about 400 new households in Franklin. With this many may possibly need another policeman and cruiser or ambulance or firefighter. Town is making no money on this. When appraised it was \$1.875 million. Now three years later when economy is better, selling it for only \$1.5 million. Leave it the way it is. ■Mr. Mercer stated he has been going between Options #1 and #2. He heard residents at last meeting mostly spoke in favor of condos, but has concern because only one bid on the parcel. With Option #2 he would put out again for strictly residential piece. ■Ms. Pellegrini stated in favor of Option #1. She has received emails from the people in the area and they seem pleased with the condos. ■Gail Irwin, 56 Hilltop Drive, said residents want it to be noted they do not want anything there and the condos were their fallback. She agreed with Ms. Pfeffer's comments. As the traffic is horrible, would like to wait for information from the new traffic study as previous traffic information is dated and estimated. ■Michael Pearce, 2 Ashbury Drive, agreed with Ms. Irwin that the preference is to do nothing. Open space is the best. But, fallback is for the residential over commercial development. ■Chantel Schools, 417 Coronation Drive, agreed with other residents and would rather do nothing, but residential is the lesser of two evils. As a public school teacher, 22 kids is a lot and must be considered. ■Stephanie Pazniokas, 4 Hilltop Drive, stated the first preference is to wait and ideally do nothing. It would be a burden on Franklin to clean up the sewer beds. The proposal for 85 condos is excessive and asked if there is a way to reduce that. She agreed with Ms. Pfeffer. The economy is going up so probably land will be worth more. Concerned with Option #2 is that if sending out new RFP hotel may come back. If a hotel does not succeed and is left vacant, the State can come in and put in more Section 8 housing. There is 40B already going in Town. ■Chairman Kelly clarified that Section 8 is not 40B.

MOTION to Approve Option #1 and authorize Town Administrator to prepare a resolution to accept the proposal by Baystone Development for 85 units of housing condominium units by **Padula. SECOND** by **Bissanti. Discussion:** ► Mr. Nutting asked Council if this was going to pass to amend it to provide a little different direction. It says 85 condos and commercial development, and people are saying they only want condos. Need flexibility to negotiate number of units and maybe not have commercial piece or set aside acre of land. He understands the intent, but if constrained to this particular Motion, he does not think it is the intent of what most people are thinking. (No Vote taken.) ► **Mr. Bissanti withdrew his second to the Motion; Mr. Padula withdrew his first to the Motion.**

MOTION to Authorize to accept Option #1 with leaving discretion to the Town Administrator by way of negotiating by **Padula. SECOND** by **Bissanti. Discussion:** ► Mr. Cerel stated it would be better to do a straw poll to indicate a sense of the Council rather than a formal resolution with votes counted. (No Vote taken.) ► Chairman Kelly stated his intent was to get a straw poll and bring it back to the Council the first week in March as a Resolution. This would require withdrawing previous Motion. ► **Mr. Bissanti withdrew his second to the Motion; Mr. Padula withdrew his first to the Motion.**

■Mr. Jones wanted to make clear he stated Option #1 is the lesser of evils. His other option is to leave it alone. But, he noted he would not be in favor of the property ever becoming recreational because it is the

sewer beds. Also, he thinks 85 condos are too many and RFP should be modified. ■Attorney Richard Cornetta stated his concerns have been addressed by the Town Administrator for flexibility to negotiate. ■Ms. Pfeffer stated all the people from the neighborhood indicated their first choice was to do nothing and their fallback was the condos. Having hard time understanding how all Council members are going toward the condos, Option #1, which is the fallback and not choosing Option #3 which is to do nothing which is the residents' first choice. ■Chairman Kelly stated doing nothing sounds like a great idea today, but that is what was done the first time, the time before that, etc., and each time then spend another six months talking about it again. If do nothing, someone tomorrow could offer to buy it for commercial.

► **ROLL CALL VOTE FOR OPTION #1, #2, or #3:** Bissanti-#1; Dellorco-#1 with revisions; Jones-#1 with revisions; Mercer-#1 with revisions; Padula-#1 with revisions; Pellegrini-#1 with revisions; Pfeffer-#3; Kelly-#1. **VOTE: Option #1—7; Option #2—0; Option #3--1.**

SUBCOMMITTEE REPORTS: None.

LEGISLATION FOR ACTION: None.

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting thanked Representative Roy as received check for the Horace Mann Statue. Committee will work on final design; hopefully in ten months will be installed. ► 150 Emmons Street sold last week; no longer Town property. ► Snow and ice budget: have spent about \$275,000 out of \$950,000 so hope warm winter continues. ► He thanked Town employees for their commitment to make an old garage into the recreation facility. All pulled together, it is much appreciated. ► Mr. Hellen said over the last few weeks he has met with all the consultants for the municipal aggregation and just signed a contract with the Colonial Power Group from Marlborough. Hopefully, in next couple of months put out RFP to get spring/summer rates.

OLD BUSINESS: ► Mr. Bissanti asked about the wetlands issue at the Conservation Commission meeting. ► Mr. Nutting said it is on the agenda for February 24, 2016.

NEW BUSINESS: ► None.

COUNCIL COMMENTS: ► Mr. Dellorco stated author/professor Robert Putnam provided a great discussion at last night's S.A.F.E Coalition meeting; he thanked him for coming. ► Mr. Bissanti said he read about the conference and the speaker made excellent points. Social awareness is important; there is hope in the future. ► Ms. Pfeffer stated the speaker mentioned in the past all school sports were paid for by the towns; now, only kids who play sports are those whose families have enough money for their kids to play sports. Everyone should have the same opportunity to play sports; it should not be only for the wealthy. ► Ms. Pellegrini asked when demolition at 150 Emmons Street will begin. ► Mr. Nutting stated probably start within 60 days when spring breaks. ► Chairman Kelly thanked Franklin firefighters and all surrounding communities as there were two fires this week and the night before they did a water rescue. It was very impressive. He also thanked police. A few weeks ago he met with Downtown Partnership; they sent a thank you for the good meeting and look forward to working further with Town.

EXECUTIVE SESSION: None.

ADJOURN: MOTION to Adjourn by Bissanti. SECOND by Dellorco. VOTE: Yes-8, No-0. Meeting adjourned at 8:54 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary