

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
July 24, 2019**

A meeting of the Town Council was held on Wednesday, July 24, 2019, at the Franklin Municipal Building, Council Chambers, 355 East Central Street, Franklin, Massachusetts. Councilors present: Patrick Casey, Robert Dellorco, Eamon McCarthy Earls, Melanie Hamblen, Glenn Jones, Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegrini. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Assistant to the Town Administrator.

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: ► *June 5, 2019, June 12, 2019, and June 26, 2019.* ► **MOTION** to Approve the June 5, 2019 meeting minutes by **Kelly**. **SECOND** by **Dellorco**. **No Discussion.** ► **VOTE:** **Yes-9, No-0, Absent-0.** ► **MOTION** to Approve the June 12, 2019 meeting minutes by **Kelly**. **SECOND** by **Padula**. **No Discussion.** ► **VOTE:** **Yes-9, No-0, Absent-0.** ► **MOTION** to Approve the June 26, 2019 meeting minutes by **Kelly**. **SECOND** by **Dellorco**. **No Discussion.** ► **VOTE:** **Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: *None.*

APPOINTMENTS: ► *Swearing in of 3 Firefighters.* ► Acting Fire Chief James Klich introduced new firefighters Benjamin Connell, Dana Kent, and Matthew LaFleur; he reviewed their backgrounds and experience. ► Town Clerk Teresa Burr performed the swearing in.

Chairman Mercer declared a two-minute recess.

► *Board of Registrars, Richard Kerr.* ► Mr. Jones read the Appointment. ► **MOTION** to **Appoint** Richard Kerr to serve as a member of the Board of Registrars by **Kelly**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Hellen stated it is a recommendation by the Town Clerk. He stated Mr. Kerr was not present at tonight's meeting. ► **VOTE:** **Yes-9, No-0, Absent-0.**

HEARINGS: ► *West Central Street Zoning.* ► **MOTION** to **Move** the hearing for West Central Street Zoning to September 18, 2019 at 7:10 PM by **Kelly**. **SECOND** by **Padula**. **No Discussion.** ► **VOTE:** **Yes-9, No-0, Absent-0.**

► *Zoning Bylaw Amendment 19-842: Changes to Chapter 185 section 40.D(3)(a).* ► Mr. Hellen stated Building Commissioner Gus Brown will answer questions on this item. He stated this item is on the agenda for a first reading. The Town Council had voted unanimously to refer this to the Planning Board; the Planning Board held a public hearing and approved this legislation. ► Mr. Brown stated this is a zoning adjustment. A discrepancy in the Zoning Bylaw was discovered this year. In 2013, there was a Zoning Bylaw Amendment in Section 185-40.D(1) allowing for impervious coverage up to 80 percent of a lot located within the Water Resource District without having to go to any boards for any special permits. This adjustment was made without looking at Section 185-40.D(3) which gave conflicting information. He stated they are asking the Town Council to approve the change to eliminate Section 185-40.D(3)(a). **Discussion:** ► Mr. Kelly asked for an example. ► Mr. Brown provided an example. He explained that the 80 percent

impervious coverage includes the building, parking lot, paving areas, etc. If it were more than 80 percent, a variance from the Zoning Board of Appeals would be needed. ► Mr. Padula confirmed the only change is to eliminate the two sentences so it does not conflict with itself. ► **MOTION to Close the hearing by Jones. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.**

► **Acceptance of Clearview Drive as Public Way.** ► Mr. Hellen stated this is a proposal for the legislation to accept Clearview Drive as a public way as noted in his memo to the Town Council dated July 18, 2019. He gave credit to the Town Attorney Mark Cerel and the Town Engineer Michael Maglio as there are 20 miles of private ways in Franklin; they have been chipping away at the problem and getting private ways accepted as public ways. He stated the Town gets more Chapter 90 money from the State with the increase in road miles. It also provides a better maintained road for citizens. ► **MOTION to Close the hearing by Kelly. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: None.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► Mr. Dellorco stated the subcommittee has not met since the last time.
- b. **Budget Subcommittee.** ► Mr. Padula stated there was a joint Budget Subcommittee meeting on June 19, 2019 and again today with the Town Council, School Committee, and Finance Committee to discuss where we are by way of financial issues; it is a continuing discussion. He stated there is no scheduled meeting for the subcommittee right now.
- c. **Economic Development Subcommittee.** ► Mr. Kelly stated there will be a meeting on August 14, 2019 at 5:30 PM. The plastic bag conversation and a potential interest in the Keigan site are on the agenda.

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. **Resolution 19-49: Authority for Town Administrator to Negotiate and Execute Tax Agreement with Owner of Ground-Mounted Solar Facility Located Off Upper Union Street (Motion to Approve Resolution 19-49 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-49: Authority for Town Administrator to Negotiate and Execute Tax Agreement with Owner of Ground-Mounted Solar Facility Located Off Upper Union Street by Kelly. SECOND by Padula. Discussion:** ► Mr. Hellen stated the Planning Board approved another solar development. Under the law, the Town Council has to give the Town Administrator the authority to negotiate a tax agreement with that party. He noted the solar proposals keep coming. **VOTE: Yes-9, No-0, Absent-0.**
- b. **Resolution 19-50: Order of Layout, Acceptance, and Taking of Clearview Drive and Drainage Lot Parcel A (Motion to Approve Resolution 19-50 - Two-Thirds Majority Vote (6)).** ► **MOTION to Waive the reading by Padula. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve Resolution 19-50: Order of Layout, Acceptance, and Taking of Clearview Drive and Drainage Lot Parcel A by Kelly. SECOND by Dellorco. Discussion:** ► Mr. Kelly asked what the current road conditions are; the DPW rates every road. ► Mr. Cerel stated it is a relatively new subdivision. He stated the developer is still around and gave the Town a deed; it is a confirmatory taking. ► Mr. Hellen stated in order to accept a road, a certain level of standards have to be met by MassDOT. He said the road is very new and up to code for the Town to accept it. ► **VOTE: Yes-9, No-0, Absent-0.**
- c. **Resolution 19-51: Acceptance of Gift-Franklin Public Library (Motion to Approve Resolution 19-51 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-51: Acceptance of Gift-Franklin Public Library by Kelly. SECOND by Dellorco. Discussion:** ► Mr. Hellen stated thank you to Scott Nolan and the Franklin Library Association for their support over the years. ► **VOTE: Yes-9, No-0, Absent-0.**

- d. Resolution 19-52: Appropriation of Funds Received from the Franklin Community Cable Access Inc. to the Town for the Public Safety Communications Infrastructure. (Motion to Approve Resolution 19-52 - Majority Vote (5)).* ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-52: Appropriation of Funds Received from the Franklin Community Cable Access Inc. to the Town for the Public Safety Communications Infrastructure by Padula. SECOND by Kelly. Discussion:** ► Mr. Hellen said this money is being accepted from Franklin TV. The \$18,000 is for their share of the radio repeater and fiber for the Franklin TV radio station on Forge Hill. ► **VOTE: Yes-9, No-0, Absent-0.**
- e. Zoning Bylaw Amendment 19-842: Changes to Chapter 185 Section 40.D(3)(a) - 1st Reading (Motion to Move Zoning Bylaw Amendment 19-842 to a 2nd Reading - Majority Vote (5)).* ► Mr. Jones read the zoning bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 19-842: Changes to Chapter 185 Section 40.D(3)(a) to a 2nd Reading by Kelly. SECOND by Padula. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen thanked and congratulated Assistant Treasurer/Collector Sandra Fanning who is retiring next week with over 25 years of service to the Town. She is an unbelievable employee and will be sorely missed. There will be a short retirement party for her tomorrow and her last day will be next week. She is wished all the best in her retirement. He noted the water ban is still in effect. There was a small fire at the water treatment plant at the DPW a few weeks ago. He stated they are fairly certain it was caused by a bolt of lightning. He stated the plant is now online, but they have to replenish all the water that was in the water tank for fire suppression and emergency shortage. He stated the residents have responded exceptionally well. He noted a few water mains broke last week but were repaired quickly by the DPW who did a tremendous job. The Fire Department, DPW, and entire staff did a great job in responding to the alarms at the water treatment plant. The damages are around \$100,000. The vast majority of that should be covered by insurance payments. He stated the House and Senate came to an agreement this week on the State budget. There was a lot of good news for the Town of Franklin: \$100,000 for a parking lot at the corner of Grove and Beaver Streets to allow more parking and access to the State Forest; \$58,000 for the Substance Abuse Task Force within the public school district; \$50,000 for the schools for a vaping prevention program; \$50,000 for the SAFE Coalition; and \$25,000 for the Franklin Downtown Partnership. The main event in the budget was around education/local aid funding and Charter School reimbursements. The governor has 10 days to make any adjustments or vetoes; he hopes the governor does not amend or veto it. He thanked the legislative delegation for their efforts on this. He thanked Senate President Karen Spilka for making the Charter School reimbursement formula one of her top priorities. He will keep the Town Council updated.

FUTURE AGENDA ITEMS: ► Mr. Earls asked to look into what the future looks like for the existing school building that the Catholic Church owns as the Charter School will be moving to a new location. He stated recent research revealed a smokestack from a building collapsed in Franklin in the 1950s and killed two workers. This makes him concerned about the smokestack located near Franklin Paint. He suggested it may be a good thing to look into this and make sure the building inspector can certify it is safe.

COUNCIL COMMENTS: ► Ms. Hamblen reminded everyone that they can order rain barrels through the DPW. Not only do you get a rain barrel, you also can get a rebate on your water bill. She said Happy Birthday to her mother who will be 90 years old tomorrow. ► Mr. Casey said congratulations to the Fourth of July Coalition; it was a great turnout. He gave a shout-out to Joe Carmignani and Paul Korttick for their hard work. ► Mr. Earls commended all the people who worked on this year's Fourth of July celebration. He thanked the DPW for their clean-up efforts after the storm burst that knocked down branches and trees last week. ► Ms. Pellegrini thanked the Fourth of July Coalition for their efforts; they did a wonderful job and had a great turnout. ► Mr. Padula thanked the Fourth of July Coalition for their hard work. ► Mr. Jones gave a shout-out to his son and fellow recruits who successfully passed two weeks of boot camp at Fort Devens. He stated he has begun working on a three-year project through Eversource and the City of Boston to add EV chargers to various locations throughout the city. He wondered if that was something the Town could look

into to get more EV charging stations. ► Mr. Hellen said he will provide an update on the next agenda.

► Mr. Kelly thanked everyone who worked on and attended the Fourth of July events. ► Chairman Mercer stated the Fourth of July was a great celebration. All the volunteers and organizations put in great effort for a successful celebration. He mentioned the fire at the DPW water treatment plant. He said the Town's fire department did a great job in the effort.

EXECUTIVE SESSION: ► Pending Litigation: 290 Beaver St LLC v. Town of Franklin, Norfolk Superior Court Docket NO. 1932CV00593 - Challenging Validity of West Central Street Zoning District. ► Chairman Mercer read the executive session statement to discuss Pending Litigation: 290 Beaver St LLC v. Town of Franklin, Norfolk Superior Court Docket NO. 1932CV00593 - Challenging Validity of West Central Street Zoning District. He noted the open session will not reconvene at the conclusion of the executive session.

► **MOTION to Move** that the Franklin Town Council go into Executive Session for the purpose to discuss Pending Litigation: 290 Beaver St LLC v. Town of Franklin, Norfolk Superior Court Docket NO. 1932CV00593 - Challenging Validity of West Central Street Zoning District by **Kelly. SECOND** by **Dellorco. No Discussion.** ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES. ► **VOTE: Yes-9, No-0, Absent-0.**

► **The open session of the Town Council Meeting adjourned at 7:56 PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary