

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
March 9, 2016**

A meeting of the Town Council was held on Wednesday, March 9, 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, Judith Pond Pfeffer, Robert Vallee. Councilors absent: Deborah Pellegri. 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**

**APPOINTMENTS:** None.

**HEARINGS:** None.

**LICENSE TRANSACTIONS:** None.

**PRESENTATIONS/DISCUSSIONS:** ► *2015 Audit – Melanson Heath, Auditors.* ■ Susan Gagner, Comptroller, Frank Byron, President of Melanson Heath, Jim Dacey, Treasurer, and Linda Darling, Assistant Comptroller, addressed the Town Council. Mr. Byron reviewed the financial statements, key points, and management letter with recommendations. He began with the Independent Auditors' Report and stated this report is the reason they were hired to provide an opinion on the rest of the financial statements. He stated the opinion is these financial statements are in accordance with generally accepted accounting principles, which is the best opinion that can be received from an outside independent audit. He noted the Management's Discussion and Analysis puts into words what the numbers say in the financial statements. Long-term assets and long-term liabilities are reported on the Statement of Net Position. Capital assets /fixed assets include \$118.4 million which is not being depreciated yet, the majority of which is the high school project, and \$118.6 million depreciable fixed assets. There are unique points in the long-term liabilities that have not appeared in prior year financial statements. First long-term liability is bonds payable at \$65.1 million; \$4.1 million is the current portion. Other Post-Employment Benefits of \$42.4 million are what the actuaries have determined to be the future payouts for health insurance benefits for current and retired employees. The Town has already begun to fund this with about \$1.5 million set aside in an OPEB trust fund. The \$42 million is the incremental amount that has not been funded in accordance with the funding schedule. However, the overall liability is about \$92 million and starting in 2018 the entire un-funded liability will be reported. As well, the Town's proportionate share of the Norfolk County Retirement System overall liability is reported as \$39.9 million. Due to the above two unfunded liabilities, it appears as deficit equity/deficit net assets of \$62.6 million because of the unfunded liabilities that are reported on the balance sheet. Most municipalities are now reporting negative balances. He stated probably the most important number in the financial statement is the Unassigned Fund Balance of \$9.6 million because the bond rating agencies pay attention to this

number and like it to be between 5-10 percent of the General Fund budget. This represents about 9 percent; therefore, Town is at high range. This number is also the starting point for Free Cash calculations. He pointed out the Total Revenues of \$864 K, which is the amount the revenues beat the budget which is very positive. He noted the Town has very strong cash balances for the Enterprise Funds. The bottom line is the numbers did not change much from the prior year and they remain strong numbers this year. In response to Chairman Kelly's question regarding prior personal property tax of \$91 K, Mr. Dacey stated they have recently hired a collection agency and gone back six years to collect back taxes and have collected about \$40 K. Mr. Byron summarized the Management Letter. He stated comments are on a proactive basis including developing a formal risk assessment process and looking at new issues such as information technology and cyber-risks the Town may face. Starting next year the single audit requirements are being raised which will require more documented procedures. He pointed out the Town does a very good job of maintaining their books.

► **Mandatory Alcohol Awareness Training for Licensees.** ■ Mr. Nutting stated Mr. Bissanti and the Town Council have proposed to require anyone that serves alcohol either at a package store or a restaurant have themselves and their employees get trained in proper serving. Before the Town Council is a draft of a potential bylaw. He stated it was thought to be best to get some feedback from the people that do this so notices were sent to the license holders requesting they attend tonight's meeting with any feedback. He received one comment over the phone from a license holder who thought the 14-day period was short and suggested 30-60 days from the time someone is employed. ■ Susan Perothers, Franklin Residence Inn, asked if TIPS training is acceptable. She believes before anyone serves alcohol they should have standardized TIPS training and has no issue with the proposal. ■ Mr. Nutting stated TIPS training is acceptable. ■ Spencer, 3 Restaurant, stated they participate in TIPS certification or other alcohol awareness training in good faith and thinks this is as far as the town should reach out; training should not be required by the Town. ■ Mark Lenzi, Franklin Liquors, asked if one-day licenses will be required to show training. He stated there is a difference between a package store, supermarket, and restaurant. He asked if all staff will need training—for instance, all cashiers in a supermarket, all waiters in a restaurant. He thinks it is an excellent idea. He asked if in-house training where one person in-house is certified and can then give training to others on staff is allowed. ■ Mr. Nutting stated one-day licenses will require training. ■ Mr. Cerel noted this is really Brookline's bylaw with some tweaks. ■ Mr. Jones requested the bylaw be amended from 14 days to 30 days. ■ Mr. Nutting clarified that many people get one-day liquor licenses, so whoever is going to serve the liquor would have to be trained. Training is available online. ■ Mr. Cerel stated they can hire a bartender to handle it for them. ■ Mr. Padula stated anyone that serves alcohol at any time should be trained before they serve alcohol whether it is one day or otherwise. He does not see it as an undue burden. He does not agree with any waiting period and anything less than that he will not vote in favor of. He also questioned the date of January 2017 and asked why there is a need to wait. ■ Mr. Nutting stated there should be some reasonable time period for employers to get their employees up to speed. ■ Mr. Cerel stated it is not the Town's intention to employ or endorse anybody to do such training. The Town simply has the requirement. ■ Mr. Mercer agreed with Mr. Padula. ■ Mr. Bissanti stated it is a 2 ½ hour course for \$35/\$40 and good for three years; he does not believe this is a burden if a person is in liquor business. He does not agree with the online course as someone can hire someone else to take the course for them. And there is no enforcement. Alcohol is a drug, it impairs people, and people get hurt. One-on-one teaching would be beneficial. He thanked the Town Council for their support. ■ Ms. Pfeffer requested date of July 1. ■ Chairman Kelly requested Mr. Nutting check with current license holders to determine how much time they would need, but expressed that it should be a July to September time frame. ■ Mr. Cerel stated there are two scenarios: the overserving which commonly leads to a bad result. If there is some type of accident, person is required to identify the last place they had a drink. That information is turned over to the ABCC which has an enforcement division. They do undercover operations and will take action based on what is observed. The other is the sale to minors in which there can be all the training in the world, but if corners are cut or person is busy and does not ask for or check ID, there is a problem. He stated there have been no

overserving issues that he can recall. ■Mr. Jones agreed that anyone who serves alcohol should already have training or be trained within the 14-day period and not serve until training is completed; believes July 1 is a reasonable time to get this going. ■Mr. Mercer confirmed employee can be hired, but just cannot serve alcohol until trained; therefore, eliminate waiting period. He asked since alcohol licenses have already been granted with rules and regulations is the Town under any legal obligation for changing the rules and regulations halfway through the license. ■Mr. Cerel stated he does not have a straight answer. There are some due process rights that a holder of a license has. That is why the Town wants to have a reasonable transition period for this as in a total gray area. ■Chairman Kelly confirmed that all councilors were ok with removing the 14-day waiting period and changing it to a person cannot serve alcohol until trained. ■Mr. Padula suggested a September 1 rather than July 1 date. ■Chairman Kelly confirmed that all councilors were ok with a September 1 start date. ■Mr. Jones suggested at the annual license renewal time there should be a way to have proof that records of this training are being kept. ■Mr. Cerel stated the ABCC views license renewals as a local administrative act. If having a problem with licensees, have to do it separate from that.

**SUBCOMMITTEE REPORTS: None.**

#### **LEGISLATION FOR ACTION:**

- 1. Resolution 16-11: Declaration of Town-Owned Land on Grove Street (Portion of Former Nu-Style Property) as Surplus and Available for Disposition.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-11 for declaration of Town-owned land on Grove Street (portion of former Nu-Style Property) as surplus and available for disposition by **Mercer. SECOND by Padula.**  
**Discussion:** ► Mr. Nutting stated this property has been a brownfield for a decade. This lot is on the south side of Mine Brook and not connected to the rest of the Nu-Style property. It will bring in a little revenue. **VOTE: Yes-8, No-0, Absent-1.**
- 2. Resolution 16-12: Authorization for Municipal Aggregation of Electricity.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-12 for authorization for municipal aggregation of electricity by **Mercer. SECOND by Jones.** **Discussion:** ► Mr. Hellen provided background information. Town Council had voted to authorize Town staff to initiate a municipal aggregation program in December 2015. The Town Council is now considering a resolution approving that aggregation program. He stated the consultant team would provide a review of the Community Choice Aggregation Program. ■Bernie Lynch of Community Paradigm Associates, LLC and Mark Cappadona of Colonial Power Group, Inc. addressed the Town Council. ■Mr. Lynch stated community choice aggregation is an optional buying group organized by a municipality or group of municipalities to benefit electric customers and enhance the competitive market. People will be given option to buy their electricity elsewhere. The law does require that this is an opt-out program. This aggregation is designed to provide the consumer with choice, stability of rates, and savings. For instance, currently National Grid winter rate is at \$0.13 per kilowatt hour, whereas the rates received recently by the Colonial Group are around \$.079 to \$.089 per kilowatt hour. People of Franklin will be able to benefit from lower rates for the entire year. Other benefits of community aggregation include economic development, pro-consumer to protect consumer rights, professional expertise, local oversight and control, and green power. He noted based on the steps in the process it will be September/October when going into the market for prices which will be handled by aggregation consultant. Price is brought back to Town to decide whether to proceed. Probably around December when the actual energy flows from the aggregation program. He noted there are no tax dollars used for this and no burden on local budgets. In response to councilor questions, he noted based on the usage of the average US home about \$200 to \$250 annual savings. **VOTE: Yes-8, No-0, Absent-1.**

3. **Resolution 16-13: Appropriation: Town Administrator: Insurance Recovery Account - 28123490.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-13 for Appropriation: Town Administrator: Insurance Recovery Account – 28123490, for the purpose to authorize payment in excess of \$20,000 from insurance proceeds for purposes of paying invoices related to the damages at the Franklin High School by **Mercer. SECOND** by **Jones. Discussion:** ► Mr. Nutting stated this is for the water damage at the high school. The Town has a \$5,000 deductible that will have to be paid. The insurance company will make all other costs. Any insurance claim over \$20,000 has to be authorized by the Town Council. ► Ms. Pfeffer stated she has a problem paying the \$5,000 deductible as the problem with no heat in the principal’s office had been there since the school opened. The contractor or someone else involved should pay this. ► Mr. Padula confirmed the expenses will be more than \$20,000. ► Mr. Mercer stated the \$5,000 is a topic of discussion with all the parties involved. Just beginning the process. Plan would be to try to recoup this money and not cost the Town. It will take time to get through the process. **VOTE: Yes-8, No-0, Absent-1.**
  
4. **Resolution 16-14: Appropriation: Records Management - Assessors.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-14 for Appropriation: Records Management – Assessors, that the sum of \$10,000 be transferred/appropriated from Overlay Surplus to fund the Records Management Project for the Assessing Department by **Pfeffer. SECOND** by **Jones. Discussion:** ► Kevin Doyle, Director of Assessing, stated all records are downstairs or in the vault; there are no records offsite. Most of the records are from last 40 years, but some of the older records are not in good order. Looking to eliminate records that are not required or not going to serve the office. Information grows annually. This project would set department on a good course for reducing the volume, organizing and going forward. ► Mr. Padula asked if the documents had to be kept in paper form; it does not seem correct that the information cannot be put online. ► Mr. Doyle said some could be kept in microfilm. Electronic storage is not usually a replacement. Records could be kept offsite. ► Mr. Nutting stated there is a schedule of how long records must be kept. Permanent records cannot just be kept on a computer without another form of backup. It costs for the offsite paper storage. The company will come in and organize 40 years of paper documents, get rid of items not necessary, and organize for going forward. ► Mr. Cerel stated the Secretary of State’s office controls the public records laws. ► Ms. Pfeffer asked about digitizing the old records. **VOTE: Yes-8, No-0, Absent-1.**
  
5. **Bylaw Amendment 16-755: Chapter 179, Water – 1<sup>st</sup> Reading.** Ms. Pfeffer read the resolution. **MOTION to Move** Bylaw Amendment 16-755: Chapter 179, Water, to a second reading by **Mercer. SECOND** by **Dellorco. Discussion:** ► Brutus Cantoreggi stated standards require changing water meters about every twenty years because they start to fail and usually read low and the revenue is down. The program was started about two years ago. Customers have been notified, but many do not respond. Under law could turn off customer’s water, but do not want to do this or impose fines, just want to replace the water meter. This bylaw proposes that after three letters could send a certified letter indicting access to water meter is needed and if meter is not changed in 21 days fine will be invoked. Worked with Mark Cerel on the language in the letter. Do not see a day when would not need access to the home to change the actual meter. ► Mr. Nutting stated the goal is to get inside the home and change the water meter which can even be done on nights and weekends. ► Mr. Padula stated he would prefer a 30-day period opposed to a 21-day period. **MOTION to Amend** Bylaw Amendment 16-755: Chapter 179, Water, to indicate a 30-day period following receipt of the written request by **Padula. SECOND** by **Bissanti. Discussion:** ► Ms. Pfeffer stated it should stay at 21 days as customer has already received three notices. ► Mr. Bissanti stated there are older residents that may oppose someone coming into their home; he concurred with Mr. Padula. ► Mr. Nutting stated he is not concerned if it is 21 or 30 days, just want the ability to fine people that are not cooperating. ► Mr. Cantoreggi said in some other communities they just shut the water off. **VOTE (to change bylaw amendment from 21 days to 30 days): Yes-7, No-1, Absent-1. (Ms. Pfeffer voted no).**

**VOTE (for Bylaw Amendment 16-755 as amended to a second reading): Yes-8, No-0, Absent-1.**

6. **Bylaw Amendment 16-756: Chapter 170, Vehicles and Traffic Article X Winter Storm Overnight Parking – 1<sup>st</sup> Reading.** Ms. Pfeffer read the resolution. **MOTION to Move** Bylaw Amendment 16-756: Chapter 170, Vehicles and Traffic Article X Winter Storm Overnight Parking, to a second reading by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated cannot park on a public way during a snow emergency, so people started parking in public parking lots and the DPW cannot clear them. Would like to have all public land free and clear of vehicles for those four hours while a winter storm parking ban is in effect. This happens about 6-8 times a year, not for 6 months as it used to be. ► Mr. Cantoreggi stated the library lot, Depot Street parking, and Fletcher Street lot which are constrained parking areas make it difficult to clear out. ► Mr. Padula asked how people get notice not to park in the lots. ► Mr. Nutting stated everyone in Town gets notified of a snow emergency by a reverse phone call and it is on the Town webpage. **VOTE: Yes-8, No-0, Absent-1.**

**TOWN ADMINISTRATOR’S REPORT:** ► Mr. Nutting stated productive meeting was held on DelCarte site. Manufacturer has made proposal to pay for the testing of the concrete and soil, and return to disassemble a portion of the structure and weld it together so it does not keep popping from the ice. Any final decision will be contingent on a warranty. If all goes well, they thought they could get out at end of April for about 2 to 3 days of work. They will bear all expenses in this matter. ► Opened bids for sidewalks on Chestnut and Pleasant Streets; will bring to Capital Budget Committee in next couple of weeks. Total cost is \$1.8 million. ► Received a great letter thanking Franklin Fire Department and paramedics. ► Working on capital budget and annual budget with Capital Committee.

**OLD BUSINESS: None.**

**NEW BUSINESS:** ► Mr. Bissanti stated some Conservation Commission enforcement practices have been brought to his attention. He reminded all that not all residents are up-to-date on the latest bylaws and jurisdictions of the Conservation Commission. Thinks it may be rather heavy-handed when a homeowner takes grass clippings in his own backyard and accidentally puts them in a wetlands or protected area and gets whacked with a scary fine. Not pointing to anything specific, just would like a lighter approach by Conservation Commission. ► Chairman Kelly agreed with Mr. Bissanti.

**COUNCIL COMMENTS:** ► Mr. Jones stated 15 Beaver Court had an open house. It is one of the affordable houses. He thanked Judith Pond Pfeffer for welcoming and showing guests the house. He thanked others who showed up and helped out as well. Nice to see families come and check out the house. House lottery is on March 30. He said he was proud of students at Tri-County that worked hard to build the house. ► Mr. Dellorco gave condolences to family of Peter Buchanio. It is a sad day for Franklin. ► Mr. Bissanti thanked councilors for their support for the alcohol awareness program. ► Ms. Pfeffer gave condolences to the Buchanio family. She stated there were two open houses on Sunday—the other was at 48 Arlington Street. Many people attended. ► Mr. Padula and Mr. Mercer gave condolences to the Buchanio family

**EXECUTIVE SESSION: None.**

**ADJOURN: MOTION to Adjourn** by **Mercer. SECOND** by **Dellorco. VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 8:51 PM.**

Respectfully submitted,

Judith Lizardi  
Recording Secretary