

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
May 9, 2018**

A meeting of the Town Council was held on Wednesday, May 9, 2018, at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Patrick Casey, Robert Dellorco, Melanie Hamblen, Glenn Jones, Matthew Kelly, Eamon McCarthy Earls, Thomas Mercer, Peter Padula, Deborah Pellegrini. 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: *April 11, 2018.* ► **MOTION** to **Approve** the April 11, 2018 meeting minutes by **Mercer**. **SECOND** by **Dellorco**. **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. Budget hearing meetings will be on May 16 & 17 at 7:00 PM for the Franklin Town Council.

PROCLAMATIONS/RECOGNITIONS: *None.*

CITIZEN COMMENTS: ► Mr. Douglas Newton, 3 Stephen Way, stated he would like to discuss the idea of food trucks. He has been to events where food trucks were available; it creates a festive atmosphere and brings people out. He distributed an informational handout to the Town Council members. He stated he did not own a food truck, he just felt they would be good for the community. He would like them to be considered. ► Mr. Dale Kurtz, 4 Bald Hill Drive, Veterans' Services Officer, reminded everyone of upcoming events to recognize those who have served this country. The Memorial Day Breakfast will be held on Friday, May 25, at 9:00 AM at the Franklin Senior Center. Please call the Senior Center to make a reservation. The Memorial Day Parade will be held on Monday, May 28. Lineup is at 10:00 AM; the parade begins at 10:30 AM. The route will be the same as last year. He encouraged everyone to come out and support the parade. The ceremony at the Town Common begins at 12:00 noon.

APPOINTMENTS: *None.*

HEARINGS: *None.*

LICENSE TRANSACTIONS: ► *Shaw's Supermarkets, Inc.* ► Mr. Jones read the license transaction. ► **MOTION** to **Approve** the request by Shaw's Supermarkets, Inc. for change of manager to William M. Nasif and a change of beneficial interest to Gary Morton, Robert Gordon, Paul Gossett and Laura Donald, Officers, by **Jones**. **SECOND** by **Mercer**. **Discussion:** ► A representative from Shaw's Supermarkets, Inc. addressed the Town Council and stated there was a problem with the last application; it has been corrected and they are starting the process over. ► Mr. Cerel, in response to a Town Council member's question, stated this is in response to a time delay; it is acceptable. ► **VOTE: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► *Opioid Legislation – Information to follow.* ► Mr. Nutting stated Mr. Casey asked this to be brought forward. Mr. Nutting and Mr. Hellen attended a workshop a week or two ago with communities across the Commonwealth as well as one of the attorneys that is involved with this potential litigation. Mr. Nutting stated he wrote a memo to Town Council members about this. There is no downside to join in the proceedings. No lawsuit has been filed yet; there is no timeline yet as to when it would be filed. There are lawsuits in other states as well. This aims at three of

the larger drug folks; it does not address any medical profession or any hospital or doctor that may have prescribed opioids. The lawsuit talks about potentially recoverable economic damages. He reviewed the details of the potential lawsuit. He thinks if the Town Council wants to join on principle, that is fine; he would not join on the idea that the Town is going to get a big paycheck. Many communities have not joined; 70-90 communities have joined. ► Mr. Hellen stated the lead attorneys are developing a cost matrix to help cities and towns dissect what the costs are; the matrix is not done yet. ► Town Council members asked questions about the lawsuit, should the Town wait for the matrix to be completed, and the cost to the Town. ► Mr. Cerel stated to discuss this in generalities is fine, but anything specific should be discussed in executive session as to not prejudice any possible rights the Town might have. ► Mr. Hellen stated it was announced at the meeting that the firm taking this lawsuit will take 35 percent off the top of any settlement; the remaining 65 percent probably will be split proportionally. ► Chairman Kelly requested Town Council members nod in informal agreement if they would like to proceed with executive session on this item. He stated executive session will be scheduled after the budget is done.

SUBCOMMITTEE REPORTS:

1. **Capital.** ► Mr. Dellorco stated no updates at this time.
2. **Budget.** ► Mr. Padula stated no updates at this time.
3. **Economic Development.** ► Mr. Mercer stated they just finished an EDC meeting earlier this evening. They are slowly getting through a very lengthy agenda of items. Tonight, they were able to move forward with a few changes in dimension regulations for CI and CII, some solar requirements, and some house cleaning on swimming pool and accessory buildings which will come to the Town Council on future agendas; they started discussion on poultry zoning.

LEGISLATION FOR ACTION:

1. **Resolution 18-18: Appropriation and Loan Order (Borrowing Authorization) for Water (Motion to Move Resolution 18-18 – 2/3 Majority Vote (6)).** Mr. Jones read the resolution. ► **MOTION to Move Resolution 18-18: Appropriation and Loan Order (Borrowing Authorization) for Water by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated this is phase 1 of a potentially \$17 million bond authorization to replace Well 3, design and construct a treatment plant at Wells 3 and 6, and ultimately other upgrades to the water system that will be done later. The first \$2 million is to begin the design and construction of Well 3 and the treatment plant. We will probably be back before the Town Council next year for the remaining amount. This money will be paid out of water fees. The money will probably be borrowed for 20 years. ► Town Council members asked questions. ► **VOTE: Yes-9, No-0, Absent-0.**
2. **Resolution 18-19: Acceptance of Gift – Franklin Cultural Council (Motion to Move Resolution 18-19 – Majority Vote (5)).** Mr. Jones read the resolution. ► **MOTION to Move Resolution 18-19: Acceptance of Gift of donation of food from Whole Foods Market in Bellingham – Franklin Cultural Council by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated thank you. ► **VOTE: Yes-9, No-0, Absent-0.**
3. **Resolution 18-20: Adoption of Revised Town Council Procedures Manual (Motion to Move Resolution 18-20 – Majority Vote (5)).** Mr. Jones read the resolution. ► **MOTION to Move Resolution 18-20: Adoption of Revised Town Council Procedures Manual by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated he would turn this over to Mr. Mercer to discuss. ► Mr. Mercer stated this is something that has been talked about for the last couple of years; we needed to rework some of the rules and regulations of the Town Council. Mr. Padula, Ms. Pellegrini, Attorney Cerel, Mr. Hellen, Mr. Nutting, and he spent time going over this. A red-lined version was sent out to all Town Council members so everyone could see the changes and adjustments. Many concerns of this and previous councils about the rules and regulations that needed to be updated have been addressed. ► Ms. Pellegrini noted that at all the meetings the town attorney was present. ► Town

Council members discussed how the changes were made. ► Mr. Earls asked if a new section could be added regarding bringing in other committees to report to the Town Council during the year on what their activities are and what they are working on. ► Mr. Nutting stated they try to bring department heads in on an annual basis; there is no reason we could not ask a committee to make a report to the Town Council. He stated he does not think this would need to be embedded in the manual.

► Chairman Kelly stated if there is any committee or group they would like to have before the Town Council, please let him know. ► Mr. Earls stated he would like to have committees of significant scope such as Planning Board, Board of Health, and Conservation Commission. ► Chairman Kelly stated he agreed; it was a great suggestion. ► Mr. Nutting stated he can reach out to see who can come in during upcoming months. ► Chairman Kelly thanked everyone for their work on this.

► **VOTE: Yes-9, No-0, Absent-0.**

4. ***Bylaw Amendment 18-801: Amendment of Service Fees: Solid Waste and Recycling - 2nd Reading (Motion to Move Bylaw Amendment 18-801 – Majority Roll Call Vote – (5)).*** Mr. Jones read the bylaw amendment. ► **MOTION to Move Bylaw Amendment 18-801: Amendment of Service Fees: Solid Waste and Recycling by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated that obviously the trash fees need to be tweaked a little at a time rather than a large jump all at once in the future. They are still subsidizing the rate with about \$140,000 from the solid waste enterprise fund. The rates will probably continue to climb a little each year because as inflation goes up, disposal costs go up and the contractor collection costs go up. He reviewed the changes in rates over the past few years. He noted they received a state grant; they are looking at using a Segway to go from house to house in subdivisions rather than a car. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES; Padula-YES; Pellegrini-YES. ► **VOTE: Yes-9, No-0, Absent-0.**

5. ***Zoning Bylaw Amendment 18-802: Zoning Map Changes From Commercial II, or Rural Residential II & Single Family Residential IV, to Rural Residential II or Single Family Residential IV, an Area on or Near Edwards, Raymond, and Beaver Streets – Referral to Planning Board (Motion to Refer ZBL Amendment 18-802 to the Planning Board - Majority Vote (5)).*** ► **MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move Zoning Bylaw Amendment 18-802: Zoning Map Changes From Commercial II, or Rural Residential II & Single Family Residential IV, to Rural Residential II or Single Family Residential IV, an Area on or Near Edwards, Raymond, and Beaver Streets – Referral to Planning Board by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting showed a map on the screen. He stated the EDC has been reviewing lots of zoning. These four are the first batch to come before the Town Council. He reviewed the process. The first step is to refer it to the Planning Board. They hold a public hearing and get input from anyone that may or may not be affected. They make a recommendation back to the Town Council. The Town Council holds a public hearing and allows again for more public input. Then, if it proceeds, there are two readings prior to adoption. This is step one of the process for these cases. He explained each case regarding lot lines being in different zones, cleaning up lot lines, and rezoning residential properties to Residential IV that are in Commercial II. He stated the EDC reviewed this. ► Mr. Mercer stated the EDC reviewed these and unanimously supports this; it is just a cleaning up of the lot lines. He noted that any business that is currently there would be grandfathered so there would be no issue for them continuing or selling their business as long as the use did not change. ► Ms. Shirley Borruso, 46 Raymond Street, stated her parcel of land is under question. She has had a business there for many years; she would like it to remain Commercial, and not make it Residential. She stated she spoke to Bryan Taberner who spoke to Mr. Nutting. All the condominiums are far to her right. She is very close to Edwards Street. She was hoping they would not change it. If she wanted to sell her home and her business, could the buyer have her business? ► Mr. Mercer and Mr. Nutting stated it would absolutely be okay. Mr. Mercer stated that is what he was trying to say. If she wanted to sell her business just like it is, they can

continue to operate it as is and it has no effect. ► Mr. Padula noted if Ms. Borruso discontinued her business, the right would be extinguished after two years. ► Town Council members and Chairman Kelly asked questions regarding the zoning cleanup, reviewed the area, and discussed the zoning bylaw amendment. ► Mr. Gus Brown, Building Commissioner, stated a good point was made regarding why Beaver Court did not get continued with RIV. The Town contracted Tri-County to build an affordable house out there; that lot conformed with RII. The rest of the lots out there are non-conforming. He stated that status does not hurt those lots; they were a 40B anyway. ► **VOTE: Yes-9, No-0, Absent-0.**

6. ***Zoning Bylaw Amendment 18-803: Zoning Map Changes from Industrial, or Industrial & Single Family Residential IV, or Industrial & Rural Residential I, or Rural Residential I, to Single Family Residential IV or Industrial an Area on or Near Fisher, Hayward, and McCarthy Streets – Referral to the Planning Board (Motion to Refer ZBL Amendment 18-803 to the Planning Board – Majority Vote (5)).*** ► **MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move Zoning Bylaw Amendment 18-803: Zoning Map Changes from Industrial, or Industrial & Single Family Residential IV, or Industrial & Rural Residential I, or Rural Residential I, to Single Family Residential IV or Industrial an Area on or Near Fisher, Hayward, and McCarthy Streets – Referral to the Planning Board by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated this is strictly a lot line cleanup. There are three or four homes along McCarthy that are half Industrial and half Residential. There are a couple across the street that are Industrial that should be Residential. They made the giant lots all Industrial because they were half and half. This is just cleaning up lot lines so they go to the property line; we are putting them in the proper zone; it is pretty straight forward. ► **VOTE: Yes-9, No-0, Absent-0.**
7. ***Zoning Bylaw Amendment 18-804: Zoning Map Changes from Single Family Residential III & Single Family Residential IV, to Single Family Residential III or Single Family Residential IV, an Area on or Near Washington, Arlington, and James Streets – Referral to Planning Board (Motion to Refer ZBL 18-804 to the Planning Board – Majority Vote (5)).*** ► **MOTION to Waive the reading by Mercer. SECOND by Padula. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move Zoning Bylaw Amendment 18-804: Zoning Map Changes from Single Family Residential III & Single Family Residential IV, to Single Family Residential III or Single Family Residential IV, an Area on or Near Washington, Arlington, and James Streets – Referral to Planning Board by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated some of these homes are in two districts, so we just put them all in one district. This is all over town. We are slowly going to do all these to make the map correct. ► **VOTE: Yes-9, No-0, Absent-0.**

Ms. Hamblen recused herself.

8. ***Zoning Bylaw Amendment 18-805: Changes to §185-21 Parking, Loading, and Driveway Requirements – Referral to Planning Board (Motion to Refer ZBL 18-805 to the Planning Board – Majority Vote (5)).*** ► **MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-0.** ► **MOTION to Move Zoning Bylaw Amendment 18-805: Changes to §185-21 Parking, Loading, and Driveway Requirements – Referral to Planning Board by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting explained the area as shown on the map. He explained that when adopted 10 to 12 years ago, there was no parking requirement for CI. In discussing this with EDC and members of the Planning Board, it was thought there should be at least a minimum parking requirement in those areas as when people develop, they do not seem to be providing enough parking. Within CI, requires 1.5 parking spaces per housing unit and 1 parking space per 500 sq. ft. of gross floor area of non-residential development. It is a minor change, but an important change to make sure folks that are developing in CI have at least some parking for their businesses. They have always had parking for their residents, but there was no parking for businesses.

► Mr. Mercer stated this came before the EDC and there were lengthy discussions. Some Planning Board members attended the EDC meetings. We all came to the agreement this was a good idea. The EDC unanimously recommended this to come forward as referral to the Planning Board. ► Mr. Nutting confirmed underground parking would satisfy the requirement. ► **VOTE: Yes-8, No-0, Absent-0.**

Ms. Hamblen re-entered the meeting.

9. ***Bylaw Amendment 18-806: Chapter 170, Vehicles and Traffic Section 170-22 – 1st Reading (Motion to Move Bylaw Amendment 18-806 to a 2nd Reading – Majority Vote (5)). ► MOTION to Waive the reading by Mercer. SECOND by Padula. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. ► MOTION to Move Bylaw Amendment 18-806: Chapter 170, Vehicles and Traffic Section 170-22 to a 2nd Reading by Mercer. SECOND by Dellorco. Discussion: ► Mr. Nutting stated that over the years they have gone through all the town bylaws and tried to update them. He asked the town engineer and the police last year if they could tackle updating Chapter 170 which has not been done in a very long time. They went through every street and looked at all the signage; this brings the bylaw up to date. These next four bylaw amendments bring it all to current; going forward, if there is a street sign change, we could do this annually instead of waiting 10 years. ► Mr. Padula noted the tremendous amount of work that went into this; it makes our community safer. He thanked everyone that was involved. ► VOTE: Yes-9, No-0, Absent-0.***

10. ***Bylaw Amendment 18-807: Chapter 170, Vehicles and Traffic – Section 170 - 22.1- 1st Reading (Motion to Move Bylaw Amendment 18-807 to a 2nd Reading – Majority Vote (5)). ► MOTION to Waive the reading by Mercer. SECOND by Padula. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. ► MOTION to Move Bylaw Amendment 18-807: Chapter 170, Vehicles and Traffic – Section 170 - 22.1 to a 2nd Reading by Mercer. SECOND by Dellorco. Discussion. ► Mr. Padula suggested people look at the information. ► VOTE: Yes-9, No-0, Absent-0.***

11. ***Bylaw Amendment 18-808: Chapter 170, Vehicles and Traffic – Section 170-22.2 and Section 170-29 – 1st Reading (Motion to Move Bylaw Amendment 18-808 to a 2nd Reading – Majority Vote (5)). ► MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. ► MOTION to Move Bylaw Amendment 18-808: Chapter 170, Vehicles and Traffic – Section 170-22.2 and Section 170-29 to a 2nd Reading by Mercer. SECOND by Padula. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.***

12. ***Bylaw Amendment 18-809: Chapter 170 Vehicles and Traffic – Section 170-31.B – 1st Reading (Motion to Move Bylaw Amendment 18-809 to a 2nd Reading – Majority Vote (5)). ► MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. ► MOTION to Move Bylaw Amendment 18-809: Chapter 170 Vehicles and Traffic – Section 170-31.B to a 2nd Reading by Mercer. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.***

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting stated the Town Council members should have a classification plan which is a complete review of all jobs and titles done by Karen Bratt with a long list of recommended changes. Some jobs no longer exist; some jobs did not have the right title. He will be happy to answer any questions at the next meeting. ► The budget hearing is next week on Wednesday and the actual vote is on Thursday. If anyone has a question between now and then on the budget, just call him. The two public hearings have been advertised. ► If any member of the Town Council would like to address the citizen’s comment, he would refer that to the EDC. ► Mr. Hellen stated the town just received an \$80,000 grant from the Department of Environmental Protection for improving some mechanicals in the sewer pump station; we will get credit towards our Green Community certification. He thanked those

involved in the DPW for bringing in this additional revenue. ► Mr. Hellen stated the pilot project for the LED streetlights was just installed on Pond Street and Peck Street. About one dozen lights were installed from different companies on those roads. He has not received any phone calls yet, so it seems no one has noticed.

FUTURE AGENDA ITEMS: ► Mr. Dellorco stated he would like to have the Conservation Agent or the Conservation Commission in front of the Town Council. ► Mr. Nutting stated this could probably be done in June.

COUNCIL COMMENTS: ► Ms. Hamblen stated she ran in the 8th Annual Franklin & Bellingham Fives Road Race. It was a fun event. She thanked the volunteers working on the trunkline trail in Bellingham to Franklin. ► Mr. Casey said Happy Nurse Week to all nurses. He wished Happy Mother's Day to his mom and everyone. ► Mr. Dellorco noted everyone is working hard on the rail trail; they do a great job. Happy Mother's Day to everyone. He gave condolences to the Dangelo family for the passing of Nicholas Dangelo, former Franklin Police Officer. ► Mr. Earls noted the McDermott property has been sold and will be used going forward for warehousing. This will hopefully generate some revenue for the town. ► Mr. Padula gave condolences to the Dangelo family. ► Mr. Jones stated Happy Mother's Day. ► Mr. Mercer congratulated all the people involved in ArtWeek; it was phenomenal. He reviewed some of the events. He noted Franklin received three awards. Happy Mother's Day. ► Chairman Kelly stated Nancy Schoen sent Town Council members informational cards about arts including the economic activity arts bring to a community; he read some of the informational points and discussed the impact of arts. He thanked all those who participated in ArtWeek. Happy Mother's Day to all mothers in Franklin.

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Jones. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:12 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary