

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
April 27, 2016**

A meeting of the Town Council was held on Wednesday, April 27, 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 Pellegrini, 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: *April 6, 2016.* ► **MOTION** to **Approve** the April 6, 2016 meeting minutes by **Jones**. **SECOND** by **Dellorco**. **No Discussion**. **VOTE: Yes-9, No-0, Absent-0.**

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. ► There will be a budget meeting at the Town Council on May 25 & May 26. ► The Franklin Art Association presents their spring art show on April 30, 12:00-8:00 PM and May 1, 12:00-3:00 PM. The fine art exhibit will be at the Black Box Theater, 15 West Central Street, Franklin. The Gala reception and awards are on Saturday, 4:00-8:00 PM.

PROCLAMATIONS/RECOGNITIONS: None.

CITIZEN COMMENTS: ► Eleanor Eknaian, 126 Cottage Street, stated she also owns the property at 121 Cottage Street which abuts Cottage Court. She stated the Town of Franklin has been maintaining Cottage Court for over 100 years. Recently, she received a notice from the town stating that they will no longer be grading or maintaining Cottage Court, but will continue to plow snow in the winter. Trash, mail, and fire trucks as well as the public use this road causing its deterioration. On April 11, the town flushed the hydrant at the top of Cottage Court allowing the water and stones to run down Cottage Court onto her property and washing out steps. She provided pictures to the Town Council. She stated she did not complain about the damage and cleaned it up due to the appreciation she has had for the town grading and maintaining Cottage Court. She does not understand the hardship this causes the town as it is only graded one time per year and it has been going on for so many years. No documentation or real proof states if Cottage Court is a private or public way. After using it as a public way and maintaining it for all these years as such, it should be grandfathered. She provided a map indicating it was once called Cottage Street Court with a notation of public. She requested the Town Council take this under consideration and continue to maintain Cottage Court.

APPOINTMENTS: Chief of Police. ► Ms. Pfeffer read the appointment. **MOTION** to **Ratify** the appointment by the Town Administrator of Thomas J. Lynch to serve as Chief of Police of the Town of Franklin starting July 1, 2016 by **Pfeffer**. **SECOND** by **Jones**. ► Ms. Pfeffer read a memorandum dated April 20, 2016 from Jeffrey Nutting, Town Administrator, to the Franklin Town Council regarding the appointment of the new chief of police. **Discussion:** ► Mr. Nutting stated the current chief of police is retiring on June 30. An internal posting and interviews were conducted. He is recommending Deputy Lynch. He would like to get this ratified in order to then post the open deputy position. ► **VOTE: Yes-9, No-0, Absent-0.** ► Chairman Kelly noted the new chief will be sworn in at the Town Council meeting on June 22, 2016.

HEARINGS: Zoning Bylaw Amendment 16-753: Zoning Map Changes from Single Family Residential IV to General Residential V in an Area on or Near West Central Street.

Mr. Bissanti recused himself.

► Ms. Pfeffer read the zoning bylaw amendment. **Discussion:** ► Mr. Nutting stated this area has long been debated as to its current and proposed zoning. There have been several proposals over the years for commercial or business ventures. Given the location, staff never felt it was appropriate due to the potential for traffic in a commercial development area. In reviewing land to the right, there are already condos. In talking with town engineer, he felt the distance was away from the corner enough to absorb a multi-family zone. This would allow condominium development. Condominiums usually track about six trips per unit versus a potential commercial development which would be much heavier use. This seemed like a reasonable compromise. He thought the Town Council may want to consider this. **MOTION to Close** the public hearing for the Zoning Bylaw Amendment 16-753: Zoning Map Changes from Single Family Residential IV to General Residential V in an Area on or Near West Central Street by **Vallee**. **SECOND** by **Mercer**. ► **VOTE: Yes-8, No-0.**

LICENSE TRANSACTIONS: Franklin Elks Lodge #2136 – Change of Manager. ► Ms. Pfeffer read the license transaction for change of manager. **MOTION to Approve** the request by the Franklin Lodge #2136 BPOE, Inc. for the change of manager to Charles Robinson by **Pfeffer**. **SECOND** by **Mercer**. **Discussion:** ► Mr. Nutting stated the proposed manager is present if Council members have any questions. ► Mr. Robinson addressed the Town Council and introduced himself. ► Ms. Pfeffer thanked the Elks for the work they do for all the veterans in town. ► Mr. Robinson mentioned that with all the construction in town, they are unable to put up the flags. He noted modifications will have to be done because they no longer have the meters; possibly longer flag poles. ► Chairman Kelly stated meetings with DOT have occurred to come up with a bracket program to get those back on as soon as construction is done. ► Mr. Jones stated the Elks do great work. ► **VOTE: Yes-8, No-0.**

Mr. Bissanti reentered the meeting.

PRESENTATIONS/DISCUSSIONS: Facilities Department. ► Michael D'Angelo, Director of Public Facilities, Marco Brancato, Deputy Director of Public Facilities, and Richard Gaskin, Manager of Public Facilities, addressed the Town Council. Mr. D'Angelo narrated a slide show presentation and provided an overview of the work done in the Facilities Department. He stated Mr. Gaskin manages all the cleaning and custodial, and Mr. Brancato manages maintenance and outside contractors. He read the mission statement of the Department of Public Facilities and listed all the municipal facilities and school buildings. The total building facilities comprise about 200,000 sq. ft. of the 1.2 million sq. ft. being managed. The school buildings comprise just under 1 million sq. ft. He reviewed the Public Facilities organizational chart. There are 34 full-time school custodians and 13 part-time town custodians. He hires about 15 high school/college students and this provides a good summer job. ► Mr. Gaskin reviewed the responsibilities of the custodial support which include keeping school buildings secure at all times. ► Mr. D'Angelo stated 451 maintenance work orders have been completed in 2016 YTD for municipal buildings and 1,729 for school buildings. In most cases these numbers will end up similar to those of 2015. Franklin High School had lower work order numbers in 2015 as new school was still under one-year warranty. Work orders can be for moving things, phone issues, recycling, and more; they are not all for repair work. ► Mr. Brancato discussed the Maintenance Management Deputy Director responsibilities which include regular site visits to check on maintenance work being performed. Working on upgrading School Dude software which is the work order online program. ► Mr. D'Angelo stated energy efficiency is an important goal and they have an aggressive energy purchasing policy. Working on LED change-out program for school interior lighting. Some upcoming capital projects include but not limited to police generator replacement, Davis Thayer rugs and toilet partitions, fire substation roof, and police evidence room. He discussed the work being done in the Franklin Senior Center. He noted the work done at the Franklin Library to get ready for the contractor to begin working and the setup done at the temporary Franklin Library location at 25 Kenwood Circle. ► Mr. Mercer clarified that at the high school the

contractor is still working on items even though the one-year period is over. He asked about the handicapped doors at Keller, the School Dude software, and the average time work orders remain open. ► Mr. D'Angelo stated automatic door openers would be added to Keller. They are not required by code, but were requested at this location by the School Committee. ► Mr. Brancato stated work orders are one of his main tasks and there are now under 200 open work orders. He noted some work orders are older, deferred or on hold, but still considered open. Anyone can put in a work order. ► Mr. Mercer stated the Town Council has asked for a report indicating work orders outstanding, time taken to complete those that are done, and average time of completion; would like this report quarterly or every six months going forward. ► Mr. Brancato said he can provide a report. ► Mr. D'Angelo stated they would be happy to provide Town Council the requested information. ► Ms. Pfeffer said she would like something every other month, including notation of the entity that fixed the problem: in-house or outside. She asked how often Mr. Brancato visits every building in town, both municipal and school. She believes in the past some buildings did not get visited on a regular schedule. As well, she stated Town Council had been promised a maintenance schedule for the new high school by Mr. D'Angelo. ► Mr. Brancato said he sees each building about every week or every other week. At a minimum he would visit each building once a month. ► Mr. Nutting stated that one of Mr. Brancato's goals is to establish a preventative maintenance program. ► Mr. Dellorco stated one of his biggest concerns is that when outside contractors are hired and do a project, who goes out to check on that. ► Mr. Brancato stated he goes out to check. ► Mr. Jones asked if the Facilities Department keeps a list of potential safety hazards and upgrades. He stated many people in town feel the municipal buildings have not had sufficient maintenance plans such as the old town hall, old high school, and historical building. As Town Council members field these questions from residents, they would like to be able to assure the community that the new high school and all school buildings are properly maintained and taken care of so in 15 years not asking the citizens to knock down a municipal building and put up something new. Town Council members want to be updated. ► Mr. D'Angelo said safety issues are taken care of right away. When they find something wrong, they fix it. Franklin does not have deferred maintenance. ► Mr. Nutting stated the custodians and other people in the buildings are on top of things every day. ► Mr. Vallee asked Mr. D'Angelo if he felt he had adequate staff and funding for these duties. ► Mr. D'Angelo stated with the addition of Mr. Brancato they hope they can do it all. ► Mr. Nutting stated custodians are cleaning more square feet than industry standards. ► Ms. Pellegrini questioned as Town has hired full-time plumber, electrician and contractor, why is such work outsourced. ► Mr. D'Angelo stated there is no way that one person could do all the work needed, especially for big projects. Sometimes there are new technologies that staff people have no experience in; there are hundreds of things that are beyond the realm of the in-house staff. He noted 75 percent of work orders get done by in-house staff; specialty work is outsourced. ► Mr. Bissanti asked if Mr. D'Angelo sees any room for improvement in an alert system so Town Council can know what is going on, similar to the fire department. ► Mr. Nutting stated the buildings are in phenomenal shape and the concern is overblown. We are very customer service oriented. He said they would be happy to provide reports to assure they are running an efficient operation, but with 1.2 million sq. ft. of building things break every day. ► Mr. Padula stated the Town Council would like a little more input when things are being done such as quarterly reports. ► Mr. Brutus Cantoreggi, Director, Department of Public Works, stated that internal customer service is important and since Mr. Brancato has been here the last month, response time has been much better.

SUBCOMMITTEE REPORTS: None.

LEGISLATION FOR ACTION:

Chairman Kelly requested a change in the order of Legislation for Action items to the following.

- 1. Resolution 16-29: Acceptance of Gift to Franklin Public Library-simple majority.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-29: Acceptance of Gift to Franklin Public Library of \$25,000 from the Franklin Library Association by **Mercer. SECOND by Dellorco. Discussion:**

► Scott Nolan, President Franklin Library Association, stated on behalf of the Board of Directors of the Franklin Library Association they are proud to have worked with Judy, Jeff, and Felicia in moving forward with the preservation of the Franklin Library building. He provided a brief history of the building. ► Ms. Pfeffer read a thank you letter from the Library Board of Trustees and the Library Director, Felicia Oti, for the generous donation. ► Mr. Nutting thanked Ms. Pfeffer for her role as Chair of the Library Building Committee and as an advocate for starting the process of library preservation and renovation. ► **VOTE: Yes-9, No-0, Absent-0.**

2. **Resolution 16-27: To Authorize the Issuance of Refunding Bonds – 2/3 Vote.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-27 to Authorize the Issuance of Refunding Bonds by **Jones. SECOND** by **Bissanti. Discussion:** ► Mr. James Dacey, Treasurer-Collector, stated there was an analysis done by First Southwest Company, the town's financial advisor, to refinance some of the Town's 2009 outstanding bonds which showed a potential budgetary savings over the remaining life of the bonds of \$323,052. The current low interest rate environment has created an opportunity to refinance outstanding bonds and generate debt service savings. This the fifth one done since 2007. ► **VOTE: Yes-9, No-0, Absent-0.**
3. **Resolution 16-28: Appropriation Downtown Improvements Project – simple majority.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-28 for Appropriation Downtown Improvements Project for amount requested of \$60,000 by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated as get closer to finishing downtown, want to make sure have the funds available to get the Veteran's brackets to display the American flag and have banners and holiday decorations by the time the season is here. ► Ms. Pellegri asked if the Downtown Partnership would be able to help out with some fundraising. ► Mr. Nutting stated not that he is aware of. ► Chairman Kelly requested the Town Administrator draft a letter to Dean College as well as ask at the next DOT meeting. ► **VOTE: Yes-9, No-0, Absent-0.**
4. **Resolution 16-30: Appropriation DPW Equipment – Skid Steer – simple majority.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-30 for Appropriation DPW Equipment – Skid Steer by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Cantoreggi stated a skid steer is similar to a Bobcat. One was rented this year to clear snow from the sidewalks. He negotiated with Norfolk Power rental company that if town decided to purchase it, rental fees paid of \$9,400 could be used toward its purchase. This machine normally costs approximately \$35,000; to purchase this machine would be approximately \$25,000. This is a good machine that should last 15 years. The big sidewalk plows cost about \$180,000. So, instead of renting again next year, he recommended town should purchase it. DPW also has additional attachments for it. ► Mr. Dellorco agreed it was a very good machine. ► **VOTE: Yes-9, No-0, Absent-0.**

Mr. Bissanti recused himself.

5. **Zoning Bylaw Amendment 16-753: Zoning Map Changes from Single Family Residential IV to General Residential V in an Area on or Near West Central Street - 1st Reading (Motion to move Zoning Bylaw Amendment 16-753 to a 2nd Reading – simple majority).** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 16-753: Zoning Map Changes from Single Family Residential IV to General Residential V in an Area on or Near West Central Street to a 2nd Reading by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated that not only would they be rezoning five parcels, but also cleaning up the zoning lot line on the parcel that abuts Beaver Street that is currently split between Residential and Industrial. The Planning Board voted 4 to 0 against this proposal on Monday night. But, Mr. Nutting stated he thinks this is a reasonable compromise. ► Ms. Pellegri asked why the Planning Board voted No. ► Mr. Nutting stated the Planning Board was concerned with traffic. They did not go into great detail. Mr. Nutting

stated that if a developer comes forward and has a good traffic plan, the concerns can be mitigated. ► Ms. Pfeffer noted that there was a public hearing tonight on this issue, but some of the abutters came in later than the scheduled hearing time and they were too late to speak. ► Mr. Nutting stated they were at the Planning Board meeting and he had suggested to them if they wanted to express concern they should attend the Town Council meeting tonight. ► Mr. Padula expressed concern about a letter the Town Council members just received that was dated April 27, 2016 from the Planning Board. He said he is not going to vote until he has had a chance to talk to members of the Planning Board about this. This is too short of notice. ► **MOTION to Continue** the 1st reading to the next Town Council meeting on May 11th by **Pellegrini. SECOND** by **Padula. VOTE: Yes-8, No-0.**

Mr. Bissanti reentered the meeting.

6. **Bylaw Amendment 16-754: Chapter 47, Alcoholic Beverages – 2nd Reading (Motion to approve Bylaw Amendment 16-754 – majority vote of full Council (5) - Roll Call).** **MOTION to Waive** the reading by **Mercer. SECOND** by **Vallee. VOTE: Yes-9, No-0, Absent-0. MOTION to Move** Bylaw Amendment 16-754: Chapter 47, Alcoholic Beverages by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated Town Council should vote on this. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**

7. **Bylaw Amendment 16-757: To Amend the Code of the Town of Franklin by adding a New Chapter to Require that Property Owners Provide Notification to Public Safety Officials of the Existence of Certain Structures and/or Uses – 2nd Reading (Motion to approve Bylaw Amendment 16-757 – majority vote full Council (5) - Roll Call).** **MOTION to Waive** the reading by **Mercer. SECOND** by **Pfeffer. VOTE: Yes-9, No-0, Absent-0. MOTION to Move** Bylaw Amendment 16-757: To Amend the Code of the Town of Franklin by Adding a New Chapter to Require that Property Owners Provide Notification to Public Safety Officials of the Existence of Certain Structures and/or Uses by **Mercer. SECOND** by **Jones. Discussion:** ► Mr. Nutting stated this was put forward by the Fire Chief to protect the health and safety of the firefighters and police officers by requiring a notice outside of buildings that have solar panels on flat roofs. Minimal cost to property owners with life-saving information. ► Fire Chief Gary McCarragher provided an overview stating this is another way to let firefighters and police officers know there is something there that may harm them. It relates to both solar panels and hazardous materials. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting thanked everyone who showed up on Saturday to help clean up DelCarte. He thanked the Conservation Commission for organizing the event and Starbucks for providing the coffee. ► Folks are supposed to be onsite on Friday to fix the playground. It is a two to three-day project. DPW will then put back the mulch. ► Earth Day is Saturday. There is an event at Beaver Pond from 9:00 AM to 12:00 PM for volunteers to help clean up the litter. Appreciate the people and companies who support this effort. ► Finance Committee continues to review the budget. ► Will follow up with the status of Cottage Court at the next Town Council meeting.

OLD BUSINESS: None.

NEW BUSINESS: None.

COUNCIL COMMENTS: ► Mr. Jones stated that as the tree park at DelCarte property has broken twice, are there any reassurances that this will not happen again. ► Mr. Nutting stated final warranty language is being worked out. This time they will be welding the structure, it will not be bolted. The

structural engineer that the town hired believes this will work. ► Mr. Dellorco asked who will be there on Friday. ► Mr. Nutting stated a few workers from the Wisconsin manufacturer. ► Mr. Dellorco stated tomorrow night the Drop-in Center will be at St. John's on Pleasant Street from 5:00-9:00 PM for the SAFE Coalition. Anyone that needs help please feel free to stop in. ► Mr. Bissanti stated that he, Mr. Dellorco, Representative Roy, and Senator Ross welcomed three more Eagle Scouts into the society. He stated he was proud of these outstanding young men. ► Ms. Pfeffer thanked the DPW for the two signs indicating overflow parking at the lot on Wachusett Street. The new library location opens on Tuesday. She has received many calls from the Senior Center; they are looking for transportation on a daily basis to and from the library facility. Transportation will also be needed for children to get back and forth to the library this summer. ► Mr. Nutting stated the Gatra bus will take a person who is over 60 years old or disabled. He does not have an answer on the young folks. Gatra will not run a regular bus there. He stated he would try to think of some other options. ► Ms. Pellegrini thanked everyone that helped to move the library to the temporary location. ► Mr. Padula stated he is glad to get the playground finally fixed. ► Mr. Mercer stated there have been concerns about the fields under construction at the high school and he went to a baseball Boosters meeting last week and it was a case of misinformation as to what was going on and what the process was. Will have a great complex next spring. ► Mr. Vallee stated he was appalled to find out how many custodians town has to maintain the new high school; it is inadequate. He would like to know how many custodians they have at area schools with similar square footage. ► Mr. Mercer stated square footage was reviewed with Facilities Department and number of custodians determined. He has not heard that there are any issues with ongoing daily maintenance. He stated he will follow up.

EXECUTIVE SESSION: *To discuss strategy with respect to litigation relative to the Plain Street Tax Title Land.*

MOTION by **Pfeffer** that Town Council enters executive session to discuss strategy with respect to litigation. **SECOND** by **Jones**. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**

Town Council Meeting Public Session ended at 8:42 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary