

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
May 11, 2016**

A meeting of the Town Council was held on Wednesday, May 11, 2016 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones (by remote participation), Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegri, 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: 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. ► FY 2017 Budget Hearings will be held on Wednesday, May 25, and Thursday, May 26, 2016 at 7:00 PM. ► The Franklin Memorial Day Parade will be held Monday, May 30, at 10:30 AM with a ceremony to follow at 12:00 PM. ► The Franklin Fourth of July Parade will be held on July 3, at 2:00 PM. He asked all residents to attend the parades.

PROCLAMATIONS/RECOGNITIONS: None.

CITIZEN COMMENTS: ► Dale Kurtz, Veteran's Agent Town of Franklin, 4 Bald Hill Drive, reminded everyone that the Veterans' Breakfast celebrating Memorial Day, will be held on Friday, May 27, at 9:00 AM at the Franklin Elks Lodge, Pond Street. Asking everyone to attend. Please call Senior Center to register. Evan Makrinikolas, Deputy Director of Training and Compliance for State Department of Veterans' Services, will be the speaker.

APPOINTMENTS: None.

HEARINGS: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► *FISH of Franklin – Barbara Steele.* ■ Ms. Barbara Steele of FISH of Franklin, Inc., addressed the Town Council. She stated FISH is an all-volunteer, non-profit organization that provides transportation to Franklin residents for medical appointments for 43 years. FISH is looking for caring men and women to volunteer their time for as little as a few hours a month. Their most pressing need is for drivers, but phone volunteers are also needed. As the population ages the need to provide transportation increases. Last year just under 400 rides were provided to clients going to area doctors and hospitals. Most clients are taken to facilities within 20-mile radius. If interested in learning more about FISH or how to help call 508-528-2121.

► *Council on Aging, Karen Alves, Director.* ■ Ms. Karen Alves, Director of Council on Aging, addressed the Town Council. She began by stating FISH does amazing work. She stated the Town Council members know the services provided at the Senior Center; she spoke about upcoming initiatives. Older adults are underserved regarding mental health issues which often go undiagnosed and untreated. Most common issues are depression and anxiety. Substance abuse for older adults is becoming an emerging epidemic known as the silent epidemic because no one wants to talk about it. Just signed on to a regional grant

which will allow hiring of a geriatric clinician that will do crisis intervention, short-term interventions, assessments, and referrals. Have never had this type of resource before. Also, working with Riverside Community Health agency to offer pilot program, *Cognitive Behavioral Therapy and Yoga*, at Senior Center. She noted they can collaborate with the SAFE Coalition which is a good resource for them. Another initiative is making Franklin a dementia-friendly community. Would train businesses, merchants, municipal department and others how to be more accepting and understanding of folks that have dementia and interact more effectively. She discussed the new space upstairs at the Senior Center. There will be a survey this summer regarding types of programming residents would like at the Senior Center. Thanked the Town Council for their support. ■Mr. Dellorco stated a great increase has been seen in senior population with regard to opiate use. ■Chairman Kelly thanked Ms. Alves for the great job she does.

► **Discussion on Cottage Court.** ■Mr. Nutting stated a letter was sent to residents last November and again this spring informing abutters that Cottage Court would no longer be maintained by the Town. He noted it is not a public way; in some sections the road is only 10 feet wide. There was a similar situation in another road in Town. He met with the Eknaian's of 126 Cottage Street and told them the Town would fix the street one last time. There is no water, sewer or drain lines in the street that the Town would need to maintain. Cannot make a public way that is 10 or 15 feet wide. ■Mr. Vallee asked if the Town was just going to ignore the people and walk away from them. The road has been maintained for years, why is it going to stop? Why can't the town accept the road? What are these people going to do? ■Mr. Nutting stated Town would fix road one more time, but after that the Town has no legal basis to maintain it. It is illegal, similar to the Beth Road pump station. Unfortunately, when these things are discovered, what else is the Town supposed to do. Cannot accept a 10-foot wide way that does not meet any standards. Residents will have to maintain the road themselves, like a driveway. ■Mr. Padula asked how the people get water. ■Mr. Nutting stated it comes from Cottage Street and they have their own service lines. ■Mr. Brutus Cantoreggi stated it is called a spaghetti service; there is no Town water that goes down the road. He confirmed they get Town water through those lines. This situation is similar to a condominium complex where town services go to it, but are on private property. They maintain their own roadways and service lines. If anyone has any information that it was ever intended to be a public right-of-way, let him know. He went through all the deeds and cannot find anything. Seems that it shows on the property card that it reverts to 3 Cottage Court as the owner. ■Mr. Bissanti stated he sees this as a public safety issue; what if there were three feet of snow on the road? What would it cost to bind and pave? Could Town put binder and finish coats on it just to make it a little easier for the neighbors? They are taxpayers and they are not getting some public services. ■Mr. Cantoreggi stated if Town was going to take road they would have to put in drainage and bring up to standards. Probably cost a few hundred thousand dollars. There are many private roads in Town and residents are able to fix their roads and get them plowed. In an emergency situation Town will go out and assist people. ■Chairman Kelly agreed there are many other private roads, but the Town never plowed them to begin with. ■Mr. Nutting stated a public road is 24 to 26 feet. ■Ms. Pfeffer stated Cottage Court has been there forever and the residents have been paying taxes forever. The Town has been maintaining this by grading once a year and plowing in the winter. To continue this is not too much to ask. ■Ms. Pellegrini and Mr. Dellorco agreed with Ms. Pfeffer. ■Mr. Nutting stated they will do further research on legal options. ■Ms. Tammie Cappuccio, 3 Cottage Court, stated her father grew up in the house and she has lived there her entire life. The Town has always maintained the road with a stone dust covering and plowing. They pay taxes. Hoping the Town can continue this service.

► **Water Conservation – Brutus Cantoreggi Facilities Department.** ■Mr. Brutus Cantoreggi, Director, Department of Public Works, stated a developer gave the Town \$7,500. He suggested a rebate program for Town residents. If people replace their old toilets with low-flow toilets they can get a \$50.00 rebate, two per house. The rebate will also be for purchasing a high-efficiency washing machine. Usually, more than half of household water use is for toilets and washing machines. Average bill is about \$800 per year. Replacing old toilets and washing machines will reduce bill. Rebates will be given through this program

until money runs out. He also suggested providing free disposal of the old toilets and washing machines which is another \$15.00 savings. Would have to bring sales receipt to DPW; they would issue check. Will start this June 1. Check links on website for requirements. Other communities have done this. ■Mr. Mercer stated coordination needed with Recycling Center; they must know the new washing machine or toilet purchased was high efficiency/low water usage before accepting the old one.

SUBCOMMITTEE REPORTS: ► Mr. Bissanti stated a local farm winery was not able to serve and sell open wine at the Farmer's Market. The EDC met last Wednesday and with the help of Ms. Pfeffer and Mr. Padula came up with idea of rewriting the bylaws pertaining to the open bottle regulations. Could do the wine tasting and then sell a bottle under the revised open bottle bylaw. The business will be alcohol awareness certified. ► Mr. Nutting confirmed this item will be on the May 25, agenda.

LEGISLATION FOR ACTION:

- 1. Resolution 16-31: DPW – Road Construction and Maintenance – Simple majority vote.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-31: DPW – Road Construction and Maintenance for amount requested \$375,000 by **Mercer**. **SECOND** by **Padula**. **Discussion:** ► Mr. Cantoreggi stated \$175,000 will be transferred from FY 16 Snow & Expense and \$200,000 from Free Cash. He presented a list of roadways that would have the chip sealing and crack sealing done to make them last longer. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones (by remote)-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**
- 2. Bylaw Amendment 16-759: Amendment of Service Fees: Solid Waste and Recycling – 1st Reading (Motion to move Bylaw Amendment 16-759 to a 2nd Reading, Simple Majority).** Ms. Pfeffer read the bylaw amendment. **MOTION to Move** Bylaw Amendment 16-759: Amendment of Service Fees: Solid Waste and Recycling Resolution to a 2nd Reading by **Mercer**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Nutting provided a rate history and asked for a rate increase of \$4.00 which is the same rate as in 2013. The Town also subsidizes this. Without the subsidy it would be about \$14.00 increase. He noted the Town used to get paid to recycle, now Town is paying to recycle. ► Ms. Pfeffer asked if the people using the smaller 35-gallon cart, mostly seniors, can be spared the \$4.00 increase. **MOTION to Keep** the rate of \$180 fee for those using the 35-gallon cart by **Pfeffer**. **SECOND** by **Bissanti**. **No discussion.** ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones (by remote)-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.** **MOTION to Move** Bylaw Amendment 16-759: Amendment of Service Fees: Solid Waste and Recycling Resolution to a 2nd Reading **As Amended** by **Mercer**. **SECOND** by **Dellorco**. **No discussion.** ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones (by remote)-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**

Mr. Bissanti recused himself.

- 3. 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 – Continued 1st Reading (Motion to Move Zoning Bylaw Amendment 16-753 to a 2nd Reading, Simple majority vote).** 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 this is for the Town Council's consideration if they want to rezone this to allow multifamily dwellings in this zone. It would preempt any change to business in the area. ► Ms. Pellegri stated she had asked this hearing be continued. She spoke to Bryan Taberner in the Planning Department and he did not

seem to have any problem with this and could not really provide an answer as to why the Planning Board voted unanimously against this. She asked Town Attorney Mark Cerel if this is considered spot zoning. ► Mr. Cerel answered that he did not believe so. The definition is that it has no public purpose, it is just for the benefit of a private property owner. ► Mr. Nutting stated this issue has come up many times during his tenure about whether this should be business or commercial. Finally, both at staff and Town Council level someone approached Town and said they would like to redevelop property to multifamily. It was thought that would be better than any commercial or business use. Have also discussed 40B in the past. He said the Planning Board members that spoke opposed it based on potential traffic issues. ► Ms. Pfeffer stated she does not think Rt. 140 can be commercial and Town has to live with the curves in the road. It is hard to get in and out of. She has never been in favor of any multifamily dwellings, but in this spot it is the best thing that can go in there. ► Daniel Lyons, 285 West Central Street, stated he is confused about the process. He was sent a packet from a developer addressing a project that is going to be built there, and this was before this rezoning brought before the Town Council. He wanted to know how and who brought up this item and why? He stated he is not against the project, but asked if Town Council is talking about the proposed development project by Joel D'Errico for the 39 units. ► Mr. Nutting stated he had discussions with Mr. D'Errico who would like to put 39 units there. Nothing official, no plans, just a discussion. ► Chairman Kelly stated Mr. D'Errico reached out to a few councilor members and stated he would like to do something on that site, but Mr. Kelly has not seen anything formally. If Town Council rezones it, Mr. D'Errico would have to fill out application and get it approved. ► Mr. Bissanti stated Mr. D'Errico went before the EDC Committee and presented this project; they have gotten notice of this. ► Mary Lyons, 285 West Central Street, asked if condominiums can be built under Zoning IV as they are all around the area. ► Mr. Nutting stated multifamily allows for both apartments and condominiums. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones (by remote)-YES; Kelly-YES; Mercer-YES; Padula-NO; Pellegrini-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-7, No-1, Absent-0.**

Mr. Bissanti reentered the meeting.

- 4. Resolution 16-32: Compensation Plan – FY 2017 – Simple majority vote. MOTION to Continue** this agenda item, Resolution 16-32 for Compensation Plan – FY 2017, to the next meeting of the Town Council by **Kelly. SECOND by Mercer. No discussion.** ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones (by remote)-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 acknowledged a letter from the Norfolk Fire Chief thanking Franklin for their help in a fire a few weeks ago. ► Next week is EMS week, so thank them for the great job they do. ► DelCarte should reopen next Monday or Tuesday. ► Provided a compensation memo for Town Council members to review. ► He was told to expect two-way traffic at end of June/early July in Downtown Franklin. ► Looking to grind road on night of May 23, then pave. Striping and signs will then take place. ► Will take another look at Cottage Court issue.

OLD BUSINESS: None.

NEW BUSINESS: Discussion on Recommendation to Amend the Council Procedures Manual. ► Mr. Cerel stated the Open Meeting Law has been amended from the Attorney General's Office. They have been scrutinizing agendas and proceedings of bodies. Mr. Hellen noted concern about the Town Council's agenda format. Specifically, the captions "Old Business" and "New Business" do not put a reasonable citizen on notice as to what is likely to be discussed; that is a problem as far as the Attorney General's Office is concerned. Modification of said terms to "Future Agenda Items" is suggested. Therefore, if Town Council member has something to discuss, let the TA know and it will be put on the agenda. ► Ms.

Pellegrini stated an answer is needed as to whether Fourth of July fireworks are going to be held at the school property. ► Chairman Kelly stated an answer was provided on April 13, and they will not be able to have fireworks this year at the high school property. It will be looked at again next year. ► Ms. Pellegrini noted the Franklin School Board is hosting coffee hours and suggested Town Council do the same. ► Mr. Nutting stated this was done back in 2002, 2003, 2004. Must be less than a majority of members present to abide by Open Meeting Laws. ► Chairman Kelly said he would reach out to School Committee to see how they are doing it. ► Mr. Padula said next meeting he will be tardy. ► Mr. Vallee requested a resolution drawn up to have Town keep providing services to residents of Cottage Court. This is not the first time this has come up. ► Mr. Bissanti stated Town needs to find a place to have fireworks; people really like them. ► Mr. Mercer stated cannot have fireworks at high school fields this year because Town has not accepted the fields from the contractor. In order to allow the fireworks there, the Town would have to take ownership of fields and they are not done yet.

COUNCIL COMMENTS: ► Ms. Pfeffer stated contractor for library is in place and work has started. There will be a fence around library in next few days and some trees will be taken down. Things are moving along. Inventory of 2,072 items was catalogued. ► Mr. Vallee stated he cannot believe the Town cannot find a place to have fireworks. ► Chairman Kelly noted the Veterans' Breakfast is on May 27, at 9:00 AM; Memorial Day Parade is on May 30, at 10:30 AM with the ceremony at 12:00 PM; and July Fourth Parade is on July 3, at 2:00 PM.

EXECUTIVE SESSION: None.

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Dellorco. ► ROLL CALL VOTE: Bissanti-YES; Dellorco-YES; Jones (by remote)-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:16 PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary