

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
June 28, 2017**

A meeting of the Town Council was held on Wednesday, June 28, 2017 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: *May 24, 2017, May 25, 2017, June 7, 2017.* ► **MOTION** to **Approve** the May 24, 2017 meeting minutes by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to **Approve** the May 25, 2017 meeting minutes by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to **Approve** the June 7, 2017 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.

PROCLAMATIONS/RECOGNITIONS: ► *Swearing in of Firefighters.* ■ Fire Chief Gary McCarragher introduced the department's newest firefighter/paramedic, James Polito. He provided background and career information about Firefighter Polito. ■ Teresa Burr, Town Clerk, performed the swearing in. ■ Chairman Kelly welcomed Firefighter Polito.

► *Dean College.* ■ Mr. Padula introduced Paul Resten, Dean of the School of Continuing Studies, and Gregg Chalk, Vice President Marketing and Business Development, from Dean College. He stated that Dean College has donated the Horace Mann Scholarship, \$20,000 per year for four years, for a Franklin resident. He wanted people to know about the contribution Dean College is making to the community. He stated that in light of that incredible gift, the Town Council has a proclamation honoring Dean College. ■ Mr. Chalk thanked the Town Council and reviewed the scholarship funding provided by Dean College.

Chairman Kelly called a two-minute recess.

CITIZEN COMMENTS: *None.*

APPOINTMENTS: ► *Cultural Council.* ► Ms. Pfeffer read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Lillian Gould to serve as a member of the Franklin Cultural Council, with an expiration of June 30, 2018 by **Pfeffer. SECOND** by **Mercer. Discussion:** ► Mr. Nutting stated Ms. Gould was present at the meeting and had extensive experience in the arts. ► **VOTE: Yes-9, No-0, Absent-0.** ► *Election Workers.* ► Ms. Pfeffer read the Election Workers To Be Reappointed 2017 list. ► **MOTION** to **Ratify** the appointment by the Town Administrator of the attached Election Workers as requested by the Town Clerk by **Pfeffer. SECOND** by **Mercer. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► *Franklin Advisory Committee.* ► Ms. Pfeffer read the Franklin Advisory Committee list. ► **MOTION** to **Ratify** the re-appointment by the Town Administrator of the members listed to serve on the Franklin Advisory Committee from July 1, 2017 to December 31, 2017 by **Pfeffer. SECOND** by **Mercer. Discussion:** ► Mr. Nutting stated the chairman called him and said the members would like to have six more months. ► **VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: ► *Franklin Cultural District.* ► Chairman Kelly declared the hearing opened. **Discussion:** ► Mr. Hellen stated there are two resolutions: 1. Establish a town committee of no more than seven members to coordinate the big picture marketing and public relations strategy of the Franklin Downtown Cultural District; and 2. Approve of the town staff forwarding the application to the state for approval. He reviewed the main duties of this committee. ► Ms. Susan Sheridan, 21A Hawthorne Village, stated she has been a member of the Franklin Cultural District Steering Committee and wanted to show her support with moving forward on this initiative. ► Ms. Pandora Carlucci, 1 Toni Lane, stated she echoed Ms. Sheridan's words of support for the Franklin Cultural District; she has been involved with it for many years. ► Mr. Stephen Sherlock, 10 Lawrence Drive, stated the Cultural District proposal is the greatest thing next for Franklin; it is a collaboration among the various organizations in Franklin. He discussed the integration of a community calendar that coordinates all the cultural events. ► Ms. Lisa Piana, 6 Matthew Drive, representing the Franklin Downtown Partnership, stated she was in support of this group and thanked the people that have been working so hard on this for the past three years. The Partnership looks forward to working closely with this group. She encouraged the Town Council to vote for this. ► Mr. Mercer stated the group has worked very hard getting the project to this point. It is a win-win for the town; he urged the Town Council members to vote for this. ► Ms. Pamela Warren, 812 Pond Street, and Ms. Diane Padula O'Neill, 102 Pine Street, stated they represent the Franklin Art Association and their group wholeheartedly supported and actively participated in organizing the Downtown Cultural District. ► Mr. Vallee stated this is a very important addition to the Town of Franklin. ► Ms. Phyllis Smith, 8 Independence Way, and Ms. Lillian Gould, 69 Brook Street, stated they represent the Franklin Cultural Council and they support the Franklin Cultural District. ► Mr. Jones stated this is a great addition to the community. He thanked everyone who has put in a lot of hard work toward this. ► Mr. Bissanti thanked everyone that has been involved in this. He hopes that someday there will be a building dedicated to this. ► Chairman Kelly thanked Mr. Bryan Taberner for his hard work and dedication to this. ► Mr. Bryan Taberner, Director of Planning and Community Development, discussed the requirements and methods to determine the lot lines on the map for the Franklin Cultural District. ► **MOTION to Close** the public hearing by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: ► *Table & Vine – Change of Manager.* Ms. Pfeffer read the license transaction. ► **MOTION to Approve** the request by Table & Vine for a change of Manager from James A. Wilson to Kevin Daniel Petrillo by **Pfeffer. SECOND** by **Mercer. Discussion:** ► Mr. Michael Gold, Vice President of Legal Affairs for Big Y and subsidiary Table & Vine, stated that previous manager James Wilson took a job at the corporate office and they would like to have Mr. Petrillo approved as the new manager. ► Mr. Kevin Petrillo reviewed his experience and background. ► **VOTE: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: *None.*

SUBCOMMITTEE REPORTS: ► Mr. Bissanti, Chair of EDC, stated some new businesses have come to town; they are cottage industries. He stated it is the cottage industries and the small businesses that are the backbone of this town and the country from a business standpoint.

LEGISLATION FOR ACTION:

1. **Resolution 17-43: MBTA – Dean Station Solar Canopy.** Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-43: MBTA – Dean Station Solar Canopy by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated they have been trying for years to get the T to make improvements to Dean Station; through the grapevine they heard that there was a potential for solar panels being constructed at that station. He stated that for various reasons Forge Park Station would be a better station for solar panels. He noted that the T has not addressed other issues at Dean Station. He would like the Town Council to vote to approve the resolution to oppose the MBTA's plan to

install a solar canopy at Dean Station. He does want the Dean Station fixed. ► Chairman Kelly reviewed a recent unproductive meeting he had with a T official. He believes it is time to send a clear message to the MBTA that Franklin is done with the games. He does not want the solar canopy at Dean Station. He stated that Franklin is not a priority to the MBTA; the Dean Station is falling apart. ► Mr. Dellorco stated his former boss is now second in charge of the MBTA; he will text him. ► Mr. Hellen stated the T is putting the solar canopy in approximately 37 stations; the T never contacted any communities to tell them this was being done. ► Mr. Bissanti asked what is the Town's legal recourse. ► Mr. Nutting stated the T has a civic obligation to the communities they serve. ► Chairman Kelly stated that the T just does not care. ► Mr. Stephen Sherlock stated that the T does follow social media; the Town could create a hashtag and let the people flood it with social media. ► Mr. Hellen stated that Dean Station is one of the T's first priorities for the solar canopy; Forge Park Station was not listed as a priority. ► **VOTE: Yes-9, No-0, Absent-0.**

2. ***Resolution 17-39: Grant of Reserved Easement on former Town-Owned Land on Pond Street to Charles River Pollution Control District (Motion to Move Resolution 17-39 – majority vote (5)).*** ► **MOTION to Waive** the reading by **Jones. SECOND** by **Dellorco. No discussion. VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move** Resolution 17-39: Grant of Reserved Easement on former Town-Owned Land on Pond Street to Charles River Pollution Control District by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated that about 40 years ago the easement was never recorded at the Registry of Deeds; this resolution would grant that easement. ► **VOTE: Yes-9, No-0, Absent-0.**

3. ***Resolution 17-40: Chapter 61B – Non-exercise of 1st Refusal Option – 17.12 Acres of land off Maple Street.*** Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-40: Chapter 61B – Non-exercise of 1st Refusal Option – 17.12 Acres of land off Maple Street by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated that any time Chapter land from 61A or 61B goes up for sale, the town has the first right of refusal. A property owner has reached an agreement with a developer who has been before the Planning Board and received approval for 10 house lots. This is a very steep graded piece of property. He stated that for \$850,000 he does not believe it is in the Town's best interest to purchase the land given the topography and location. He recommended not to purchase it. ► **VOTE: Yes-9, No-0, Absent-0.**

Chairman Kelly recused himself.

4. ***Resolution 17-41: Chapter 61A – Non-exercise of 1st Refusal Option – 114.473 Acres located at 215 Prospect Street.*** Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-41: Chapter 61A – Non-exercise of 1st Refusal Option – 114.473 Acres located at 215 Prospect Street by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated this is a nice parcel of land near the Bellingham line, but it is \$5 million; we do not have that kind of funds. ► Mr. Padula stated that like the last piece of land, this is not in the best interest of the Town's use of money. ► Mr. Bissanti asked if at some point there was a piece of land that cost a lot, would there be a way for the Town to purchase it. ► Mr. Nutting stated a bond could be authorized to purchase land. He explained Chapter 61A and 61B land and the right of first refusal. ► **VOTE: Yes-8, No-0, Absent-0.**

Chairman Kelly re-entered the meeting.

5. ***Resolution 17-42: Acceptance of Gift – Franklin Fire Department.*** Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-42: Acceptance of Gift – Franklin Fire Department by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated a thank you will be sent. All donations for a public purpose are appreciated. ► Chairman Kelly thanked the Moms Club for the \$150.00 donation. ► **VOTE: Yes-9, No-0, Absent-0.**

6. **Resolution 17-44: Creation of Cultural District Committee.** Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-44: Creation of Cultural District Committee by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated all has been said. ► **VOTE: Yes-9, No-0, Absent-0.**
7. **Resolution 17-45: Proposed Franklin Cultural District.** Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-45: Proposed Franklin Cultural District by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated all has been said. ► Mr. Vallee stated that the people that put this together did an excellent job. ► **VOTE: Yes-9, No-0, Absent-0.**

Chairman Kelly called a two-minute recess.

8. **Resolution 17-46: Appropriation - Town Common Stage Improvements.** Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-46: Town Common Stage Improvements for \$35,000 by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated the stage is falling apart and has no ADA accessibility; it is time to replace it. ► **VOTE: Yes-9, No-0, Absent-0.**
9. **Resolution 17-47: Appropriation – FY17 Operating Budget Transfers – Fire Salaries.** Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-47: Appropriation – FY17 Operating Budget Transfers – Fire Salaries - \$20,000 by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated there were some unexpected salary issues. ► **VOTE: Yes-9, No-0, Absent-0.**
10. **Zoning Bylaw Amendment 17-788: Definitions, Brewery, Distillery, or Winery with Tasting Room – 2nd Reading (Motion to Move Zoning Bylaw Amendment 17-788 – 2/3 majority Roll Call vote (6)).** Ms. Pfeffer read the zoning bylaw amendment. ► **MOTION to Move** Zoning Bylaw Amendment 17-788: Definitions, Brewery, Distillery, or Winery with Tasting Room by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated this is another tool in the economic development tool kit. It would be great if we could get two or three of these going and bring people into the downtown and appropriate areas; it is a great idea that Mr. Hellen came up with. ► Mr. Jones thanked everyone that worked on this. ► Mr. Bissanti stated that he supports economic development downtown and thanked everyone. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-9, No-0, Absent-0.**
11. **Zoning Bylaw Amendment 17-792: Use Regulations for Brewery, Distillery, or Winery with a Tasting Room – 2nd Reading (Motion to Move Zoning Bylaw Amendment 17-792 – 2/3 majority Roll Call vote (6)).** Ms. Pfeffer read the zoning bylaw amendment. ► **MOTION to Move** Zoning Bylaw Amendment 17-792: Use Regulations for Brewery, Distillery, or Winery with a Tasting Room by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Hellen stated there are some citizens in the audience that have contacted him. He noted that if the vote is positive, the bylaw will be in effect after 14 days. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-9, No-0, Absent-0.**
12. **Bylaw Amendment 17-793: Amendment to Water System Map – 2nd Reading (Motion to Move Bylaw Amendment 17-793 – majority Roll Call vote (5)).** Ms. Pfeffer read the bylaw amendment. ► **MOTION to Move** Bylaw Amendment 17-793: Amendment to Water System Map by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated he recommended this; it is to tie in four homes. It is needed for fire protection from the Fire Chief’s perspective. He noted that it will not be looped. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-9, No-0, Absent-0.**

13. **Bylaw Amendment 17-794: A Bylaw to Amend the Code of the Town of Franklin by Adding a New Chapter: Chapter 108 Library Board of Directors – 2nd Reading (Motion to Move Bylaw Amendment 17-794 – majority Roll Call vote (5)).** Ms. Pfeffer read the bylaw amendment.
- **MOTION to Move** Bylaw Amendment 17-794: A Bylaw to amend the Code of the Town of Franklin by Adding a New Chapter: Chapter 108 Library Board of Directors by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated that in 1990 there was a resolution passed that had some of these items and three charter amendments since then; therefore, the resolution is a little out of date. So, this was brought up-to-date and put as a bylaw rather than a resolution. It is kind of a clean-up on how the appointed members would operate; the Library Board of Directors is an advisory board. He stated the board would be appointed and ratified by the Town Council. This does not change their terms. ► Mr. Pfeffer confirmed with Mr. Nutting if basically the trustees that are in position now would be transferred to the new position. She stated that the members are currently called trustees, not directors. ► Mr. Nutting stated they are called directors. ► Ms. Pfeffer stated that for years there has been meanness and unkindness between the now governing body of the library, the Friends of the Franklin Library, and the Franklin Library Association. Being involved in the library project for the past year, she can truthfully attest this exists. Each of these three organizations are there to enhance the library. The Friends have operated for 25 years and given thousands of dollars to the library; the Franklin Library Association has been in operation since the 1800s and has also given thousands of dollars to the library. When the refurbished library with its new addition opens, these three entities need to work together successfully for the good of the Library and the Town. This bylaw as presented is doing nothing but making it the new governing library body and changing members' titles to Board of Directors members. This extremely important Board of Directors should be opened to all and every person in the Town who would like to apply to be a member. She stated she does not know nor care about how the pettiness and viciousness started between these three groups, but for the good of the patrons of the library and the future of the library, it needs to stop. She requested that it be made open to all. ► Mr. Jones stated he would like to Table this bylaw amendment for future further discussion. ► **MOTION to Table** Bylaw Amendment 17-794: A Bylaw to amend the Code of the Town of Franklin by Adding a New Chapter: Chapter 108 Library Board of Directors until the first Town Council meeting in September 2017 by **Jones. SECOND** by **Dellorco. Discussion:** ► Mr. Bissanti stated he agrees with Ms. Pfeffer. And, he does not know why this needs to be Tabled when a judgment can be made on it. He would like to see it open; the reasoning was conclusively stated by Ms. Pfeffer. ► Mr. Cerel stated there is also a “motion to postpone definitely” which is simpler procedurally. He suggested Mr. Jones withdraw his motion and make it a motion to postpone definitely. ► Mr. Jones stated that as suggested by Mr. Cerel, he would like to revise his motion. ► **MOTION to Postpone Definitely** Bylaw Amendment 17-794: A Bylaw to amend the Code of the Town of Franklin by Adding a New Chapter: Chapter 108 Library Board of Directors until the first Town Council meeting in September 2017 by **Jones. SECOND** by **Dellorco. Discussion:** ► Mr. Padula stated that Ms. Pfeffer said her thoughts. He sees no reason to Table this as he is going to vote the same way in September as now. Ms. Pfeffer has done her homework. He is going to vote against this motion. ► Ms. Pellegrini agreed with Mr. Padula and with what Ms. Pfeffer has been saying. She stated she does not think they should be just changing over the board that is existing now to the new board; they should be starting off from scratch. ► Chairman Kelly stated Ms. Pfeffer is correct in all she said. ► **MOTION to Withdraw the Motion to Postpone Definitely** Bylaw Amendment 17-794: A Bylaw to amend the Code of the Town of Franklin by Adding a New Chapter: Chapter 108 Library Board of Directors until the first Town Council meeting in September 2017 by **Jones. SECOND** by **Dellorco. No Discussion:** ► **ROLL CALL VOTE (for the original Bylaw Amendment 17-794 as read):** Bissanti-NO; Dellorco-NO; Jones-NO; Kelly-NO; Mercer-NO; Padula-YES; Pellegrini-YES; Pfeffer-NO; Vallee-NO. ► **VOTE: Yes-2, No-7, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting thanked Ryan, the Recreation Advisory Committee, and the DPW for putting together the ceremony for Harvey; it was much appreciated. ► He

met with MassDOT the other day; they are hoping to come back after school starts to re-time the lights at the Franklin Village Mall as well as West Central and Grove Streets. ► He received a few phone calls about the development on Pond Street about the trees. The project was formally approved by the Planning Board; they went through a public process. They will be building a berm and planting new trees; it met the intent of what the Town Council was looking for with the 150 ft. of no-build and a barrier.

FUTURE AGENDA ITEMS: ► Ms. Pfeffer stated there are many boards and committees in town; there is always a complaint that not enough people volunteer for these boards and committees. Perhaps one person from each board or committee should write something about what that committee does and have it put on the Town's website so people can read it. ► Ms. Pellegrini stated she would like to have an agenda item in August about the July 4th celebration to discuss the fireworks for next year.

COUNCIL COMMENTS: ► Ms. Pellegrini stated she wished the July 4th Committee much luck in getting ready for the Fourth. She noted it takes a year to get the celebration together. ► Mr. Padula noted the playground on Pleasant Street is always full; a great job on getting it done. ► Mr. Mercer gave condolences to the Ranieri and Caldararo families. He wished all a Happy Fourth. ► Mr. Vallee asked about the new volunteers for the Fourth of July Committee. ► Ms. Pellegrini clarified that it is a volunteer group, the Town has nothing to do with it as the Town did not want to take the responsibility of the Fourth of July. ► Mr. Vallee stated the Town Council should be somehow involved in that committee. ► Mr. Nutting stated there was public support from the Town Council, but no money is given. They oversee their own money raised. ► Ms. Pellegrini stated she did have an audit from them; she said she would make copies and give to Chairman Kelly. ► Mr. Jones stated he has met those that are heading up the Fourth of July Committee and thanked them for stepping up. ► Mr. Dellorco gave condolences to the Ranieri and Caldararo families. He stated it is great how many children use the Pleasant Street playground. ► Mr. Bissanti gave condolences to the Ranieri family and Power family. He stated a Town like Franklin should have fireworks; let's plan for fireworks next year. ► Ms. Pfeffer gave condolences to the Ranieri, Power, and Cook families. She stated that Mary Cook and her husband Ralph had run Cook's Farm for many years and she was an institution in Franklin. She noted that Mr. Ranieri had requested in lieu of flowers that donations be made to St. Vincent DePaul Society c/o St. Mary's Church and the Friends of the Franklin Library which was a wonderful gesture. She stated that the brick sale for the Franklin Library is ongoing. ► Chairman Kelly gave condolences to the families of the many citizens of Franklin that have been lost in the last thirty days. He stated the lights at Horace Mann Square need to be looked at; it seems like the timers are not correct. ► Mr. Nutting stated he put a call into the highway district engineer today. ►

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:45 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary