

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
September 21, 2016**

A meeting of the Town Council was held on Wednesday, September 21, 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:** *September 7, 2016.* **MOTION** to **Approve** the September 7, 2016 meeting minutes by **Mercer**. **SECOND** by **Jones**. **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.

**CITIZEN COMMENTS:** *None.*

**APPOINTMENTS:** *None.*

**HEARINGS:** *None.*

**LICENSE TRANSACTIONS:** ► *TM1 Solutions d/b/a 7-Eleven Store Number 37380A – Transfer of License, Change of Manager, Alteration of Description of Premises.* Ms. Pfeffer read the license transaction. **MOTION** to **Approve** the request by TM1 Solutions Inc. for a Transfer of License, Change of Manager to Mohamad Hijazi, and an Alteration of Licensed Premises Description by **Pfeffer**. **SECOND** by **Mercer**. **Discussion:** ► Mr. Nutting stated the applicant and his attorney were present. ► Ms. Lesley St. Germain of McDermott, Quilty & Miller, representing Mr. Mohamad Hijazi, addressed the Town Council. She stated they were here to transfer the existing license. Mr. Hijazi has much experience in operating 7-Eleven establishments and experience dealing with alcoholic beverages. This is part of a larger corporate transaction; they are not seeking to make any operational changes. ► Council members questioned Mr. Hijazi's experience with liquor licenses and who would be in charge of the store when he is not on the premises. ► Mr. Hijazi provided an overview of his job experiences regarding liquor licenses. ► **VOTE: Yes-9, No-0, Absent-0.**

*Chairman Kelly called a three-minute recess.*

**PROCLAMATIONS/RECOGNITIONS:** *Distinguished Young Woman of Massachusetts – Helen Huang.* ► Mr. Jones gave an overview of the Distinguished Young Woman of Massachusetts program which promotes leadership and talent to prepare young women for the world after high school. ► Chairman Kelly, on behalf of the Town Council, read the proclamation recognition of Ms. Huang's Distinguished Young Woman of Massachusetts award. ► State Representative Jeffrey Roy read and presented a citation from the Massachusetts House of Representatives and a resolution from the Massachusetts Senate to Ms. Huang in recognition of her achievements.

**PRESENTATIONS/DISCUSSIONS:** *Plastic Checkout Bag Bylaw.* ► Ms. Alycia Felli, Franklin High School senior, addressed the Town Council to discuss a project that she and others at the high school have been working on regarding a bylaw to ban plastic bags that are distributed at retail outlets. While

narrating a slideshow, she and other students provided statistics and information to illustrate the need for banning or drastically reducing the use of plastic bags in hopes of making Franklin a greener community. This would require residents to bring their own reusable shopping bags to grocery and retail stores. ► Mr. Bissanti and Mr. Jones congratulated the group for a great presentation. ► Ms. Pellegri questioned if this proposed bylaw were to pass would it be for all stores, not just the big ones. ► Mr. Padula stated he would like to get input from the stores regarding this before making any decisions. ► Mr. Nutting stated there are many bylaws to draw on as 36 communities in Massachusetts already do this. He has a draft bylaw already. He said he could send out letters to some key folks to let them know there will be discussion on this. The Town Council could review and discuss this proposal at a future meeting. ► Mr. Vallee stated he would like to proceed with this. ► Mr. Jones asked if the group members have spoken with the larger stores. ► Mr. Bissanti questioned the fines to merchants who do not follow the rules.

**SUBCOMMITTEE REPORTS:** *None.*

**LEGISLATION FOR ACTION:**

1. **Resolution 16-54: Appropriation: FY 17 School Budget (Majority Vote).** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-54: Appropriation: FY 17 School Budget, total requested \$162,350 by **Mercer**. **SECOND** by **Jones**. **Discussion:** ► Mr. Nutting stated that last evening the Finance Committee unanimously approved this. The FY17 State Budget eliminated the funding for full-day kindergarten which reduced the Franklin schools funding by \$162,350. The school did not plan on losing this money. He noted that while this money was lost, the state increased funding in state aid for Chapter 70. The suggestion is to move the funding from one pocket to the other in order to keep this program whole to continue staffing full-day kindergarten. ► Ms. Pellegri requested that Mr. Nutting provide more information in the councilors' document packets so the Town Council members know what they are voting for. **VOTE: Yes-9, No-0, Absent-0.**
2. **Resolution 16-55: Acceptance of Deed of Land and Grant of Access Easements off Lincoln Street (Majority Vote).** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-55: Acceptance of Deed of Land and Grant of Access Easements off Lincoln Street by **Mercer**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated this piece of property is along Lincoln Street, abuts the Keller-Sullivan School and runs up behind the Winterberry subdivision. It is approximately 20 acres. This was part of the Planning Board's agreement that if the developer was allowed to build a few more lots, they would donate the land and provide access easement to the Town. ► Mr. Bissanti said he really does not like quid pro quo. He asked why is this land so great besides being so close to the school. The land looks very wet with many rivers and streams. He asked what can be done with the land. ► Mr. Nutting stated the upland is very good land and agreed there are wetlands along Lincoln Street. He stated the town has bought lots of open space over the years to prevent houses from being built. For instance, maybe the school may want to use it to build a playground. ► Ms. Pfeffer wanted to know if the land was wetland and how does one access this land. In addition, she noted that the sentence, "In return for the Planning Board's consideration of several waivers from their rules and regulations, the developer agreed to donate twenty-one, plus, acres of backland, together with access easement to the Town" was frightful. It means the Town is for sale. If you give the town something, then you don't have to comply. Why have rules and regulations if they are going to be waived. ► Mr. Cerel stated this is done state-wide. ► Mr. Nutting stated the access is through the easement they are providing. ► Mr. Mercer stated he was in favor of this resolution as it is always good to get land next to a school. ► Mr. Padula asked approximately how much was wetland? ► Mr. Nutting stated about half. He also reviewed on the provided map where the land was located. ► Chairman Kelly stated the reality is that the developer got two extra lots for this which adds up to a great deal of money. ► Mr. Cerel stated that originally all of this land was potentially developable. **VOTE: Yes-8, No-1,**

**Absent-0.**

3. **Resolution 16-56: Acceptance of Private Road Covenant with Developer of Rolling Brook Estates off Lincoln Street (Majority Vote).** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-56: Acceptance of Private Road Covenant with Developer of Rolling Brook Estates off Lincoln Street by **Mercer. SECOND** by **Jones. Discussion:** ► Mr. Nutting stated this provides the town with the access. ► Mr. Bissanti asked if any other feasibility study was done on this. Are we just getting the land because it is there? Why did we need all the land? ► Mr. Cerel stated this resolution is actually the covenant that the owner is going to keep those two lots private and the owners of the lots will be responsible for the maintenance. ► Mr. Nutting stated the fire chief was a proponent of getting this for the access from a public safety standpoint; this easement allows access. ► Mr. Padula asked about the public way versus private roadway, and where the town snowplows would stop plowing. ► Chairman Kelly stated he felt as though they do not have enough information regarding the public and private ways. ► Mr. Nutting stated there are numerous cul-de-sacs in town and he does not see this as any different. **VOTE: Yes-8, No-1, Absent-0.**
  
4. **Resolution 16-57: Grant of Utility Easement Town-Owned Land at 118 Main Street (Franklin Public Library) (2/3 (6) Majority Vote).** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-57: Grant of Utility Easement Town-Owned Land at 118 Main Street (Franklin Public Library) by **Mercer. SECOND** by **Jones. Discussion:** ► Mr. Nutting stated this is a standard resolution when building new buildings to allow the utility to bring the electricity to the site. Since they are doing the library over and they are putting in a new pad, they need an easement. ► Ms. Pfeffer stated the gas company does not require an easement, but the electric company does. **VOTE: Yes-9, No-0, Absent-0.**

**TOWN ADMINISTRATOR'S REPORT:** ► *None.*

**FUTURE AGENDA ITEMS:** ► Mr. Bissanti stated he would like to explore why the town cannot get Industrial land to come under the grandfather criteria; Residential land only applies. However, the local statute can be less restrictive than the state statute so we could explore it. He stated he thinks we need to utilize more of the Industrial land in town. ► Mr. Vallee asked about the potential plastic bag bylaw. ► Mr. Nutting stated he has already drafted a proposed bylaw, it is just up to the Town Council if they want to put it on a future agenda. ► Mr. Vallee said to put it on the agenda.

**COUNCIL COMMENTS:** ► Ms. Pellegrini asked how are they doing uptown without the meters. She asked if the meter person was issuing tickets as she has noticed some cars being parked there all day. She also wanted to commend Ms. Helen Huang as the recipient of the Distinguished Young Woman of Massachusetts award. She asked Ms. Huang for the number of participants. She noted she would like to help in this effort as it is a great program. ► Ms. Huang stated there were seven girls. At the state level there were six that competed. ► Mr. Nutting noted the meter person had been on vacation. ► Mr. Padula stated that he appreciated Mr. Bissanti's opinions and that it was good that Town Council members could disagree. ► Mr. Mercer congratulated Ms. Huang on her achievement. He noted that some councilors have received emails or phone calls regarding the status of the fields at the High School. He provided a status update. He stated as there is a big drought, they have had some difficult growing times over the summer. They have dealt with many of the issues brought up in the spring. He goes out once or twice a week since the spring to make sure all is going well. The landscape architect, landscape contractor, general contractor, etc., all still feel very comfortable that the baseball teams will be on those fields in the spring and the fields will be in A-1 condition. The landscaper continues to trim fields, irrigation crew has fixed a few broken components, slice seeding and fertilizing continues, replacement of some of the sod that did not take is being done, edging will be taking place within next 10 days, and meeting with site contractor regarding removing weeds from the infield should be completed in the next week. First they

get the grass growing and then deal with the weeds in the infield. Letting grass stay higher than usual due to the season. Toward end of October they will be requesting provisional acceptance short of the punch list created for them which would need to be addressed before town takes complete ownership of the fields sometimes in the spring, if everything is done. ► Mr. Nutting stated 12 years ago on the Horace Mann site they tried digging a well, but could not find any water. He stated it takes two people two and one-half days to mow that field as it is a massive field. ► Mr. Jones thanked Ms. Huang for coming out tonight and gave her congratulations. He stated the Franklin Education Foundation will be hosting their second annual fundraiser, Harlem Wizards basketball game, in November at Tri-County Vocational High School. If any businesses are interested in sponsoring this event, let the Franklin Education Foundation know. ► Mr. Dellorco stated that he attended a recreational committee meeting on Monday night and got hammered about the fields. They do not want to hear that the town is not going to accept the fields if they are not done; they are tired of hearing that. He noted there is a difference in height in the girls' softball fence. He stated Mr. Mercer covered about everything else that the people said. He also noted he heard that Dean College really does not want the town back this year so they really need to get the fields up and running. ► Mr. Mercer stated that the fence is going to be moved within the next 2 ½ weeks. He congratulated Ms. Huang and wished her good luck. ► Mr. Bissanti thanked Mr. Mercer for the update on the fields. ► Ms. Pfeffer stated the Affordable Housing Trust in Franklin has donated \$150,000 to the Franklin Housing Authority. The money was donated for work on the oldest units at Central Park Terrace. With the \$150,000, they were able to get \$500,000 from the Department of Housing and Community Development. The money will be used to replace windows, roofs, gutters, downspouts, and more, to fix these for the citizens of Franklin. She provided an update on the library project and stated that the concrete walls are in the process of completion and the steel is scheduled to arrive next week. The carpets, paints, and finishes have been chosen and display boards of these design selections are available for viewing at the 25 Kenwood Circle location of the library. There are three chairs available for anyone to sit in; they are looking for input on the most comfortable chair to select for the reading room upstairs in the library. Franklin TV is coming back for another filming and the Milford News is coming on Friday morning for a tour of the library. ► Chairman Kelly congratulated Ms. Huang on her achievement and thanked Ms. Felli for the presentation on banning plastic bags.

**EXECUTIVE SESSION:** *None.*

**ADJOURN: MOTION to Adjourn by Mercer. SECOND by Jones. Yes-9, No-0, Absent-0. Meeting adjourned at 8:24 PM.**

Respectfully submitted,

Judith Lizardi  
Recording Secretary