

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
November 28, 2018**

A meeting of the Town Council was held on Wednesday, November 14, 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 Mercer called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance.

ANNOUNCEMENTS: Chairman Mercer 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: ► Mr. Dale Lippert, 8 Beth Road, stated he met with the Town Administrator and the Town Attorney. He was put back on the treatment he got; he felt he was treated like a child by them. He stated the Town Administrator asked what Mr. Lippert's solution was. Mr. Lippert stated his solution was for the Town to buy the house and tear it down as we had discussed it should have never been built in the first place. The Town gave the permits for the house to be built. Mr. Lippert stated the Town Administrator suggested Mr. Lippert move the house up the hill. That would cost at least \$120,000; trees would need to come down and the septic system moved. Another suggestion was to raise the house which would also require great cost. The third option was to tear up the concrete that was left as it has buckled, put some rubble in there, and basically make his house a big sump pump and let the water flow through. Mr. Lippert stated that would most likely reduce the resale of the house. The final suggestion was to sell the house and take at least a \$120,000 hit on it so whoever would buy it would have money to move the house; he would then have no money left to live. Mr. Lippert stated he confirmed with Mr. Nutting that nothing was going to be done. The Town Administrator stated that they were going to do something; they were going to maintain the pump station. Mr. Lippert stated he is not done yet. On a positive note, he thanked the Town Council members who reached out to him with support and encouragement. He also thanked the many former and current DPW workers who reached out with support and encouragement, most of whom worked on the project in the past.

APPROVAL OF MINUTES: *None.*

PROCLAMATIONS/RECOGNITIONS: ► *Swearing in of Firefighters.* ► Fire Chief Gary McCarraher introduced two newly promoted captains to the fire department: Captain Charles Allen and Captain Thomas Carlucci. He reviewed their backgrounds and education. ► Town Clerk Teresa Burr performed the swearing in. ► Town Council members welcomed the fire department's new captains.

Chairman Mercer called a two-minute recess.

APPOINTMENTS: *None.*

HEARINGS: ► *Tax Classification Hearing.* ► Mr. Nutting stated the assessing staff and Board of Assessors have worked all year on this. This is a public hearing to set this year's tax rate; it is a requirement of law. Every year the Town Council decides if they are going to have a single tax rate or split tax rate. It has been a single rate, but it is the Town Council's decision on how they would like to proceed. He stated that the assessors are here to go over a few slides and answer any questions.

► *Chairman Mercer declared the Tax Classification Hearing open.* ► Mr. Chris Feeley, Board of Assessors member, and Mr. Kevin Doyle, Director of Assessing, addressed the Town Council. Mr. Feeley

provided an overview with a slideshow of how the information is obtained and how things have changed. The slides included the average value of a single-family home from 2017 to 2018. He reviewed the Minimum Residential Factor Computation for FY 2019 and some examples of the full and fair cash valuation. He stated the average change in tax bill for 2017 was \$175 and approximately \$300 for 2018. He showed a historical chart from 2005 to 2018 of the single-rate tax. ► Town Council members asked questions throughout and at the end of the presentation. ► **MOTION to Close the hearing by Padula. SECOND by Kelly. No discussion. VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Allow the Tax Classification Items listed under Legislation for Action to be taken now rather than later in the meeting by Kelly. SECOND by Padula. No discussion. VOTE: Yes-9, No-0, Absent-0.**

Note: Items taken out of order from agenda.

LEGISLATION FOR ACTION:

- a. **Resolution 18-66: Classification Tax Allocation - Residential Factor (Motion to Approve Resolution 18-66 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 18-66: Classification Tax Allocation - Residential Factor will be set at [1.000000] by Kelly. SECOND by Padula. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.**
- b. **Resolution 18-67: Classification Tax Allocation - Open Space Exemption (Motion to Approve Resolution 18-67 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 18-67: Classification Tax Allocation - Open Space Exemption, that there not be an exemption for open space, by Kelly. SECOND by Padula. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.**
- c. **Resolution 18- 68: Classification Tax Allocation - Small Business Exemption (Motion to Approve Resolution 18-68 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 18- 68: Classification Tax Allocation - Small Business Exemption, that there not be an exemption, by Kelly. SECOND by Dellorco. No Discussion: ► VOTE: Yes-9, No-0, Absent-0.**
- d. **Resolution 18-69: Classification Tax Allocation - Residential Property Exemption (Motion to Approve Resolution 18-69 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 18-69: Classification Tax Allocation - Residential Property Exemption, that there not be an exemption, by Kelly. SECOND by Padula. No Discussion: ► VOTE: Yes-9, No-0, Absent-0.**

HEARINGS (continued): ► Zoning Bylaw Amendment 18-821: Zoning Map Changes On Or Near Plain Street, Pond Street, and Palomino Drive. ► **MOTION to Open the hearing by Kelly. SECOND by Padula. No discussion. VOTE: Yes-9, No-0, Absent-0.** ► Mr. Nutting stated this is a continuation of the lot line cleanup. This went through the EDC for a recommendation. There are no significant changes to anyone's property values; it just cleans up the lot lines. ► Mr. Padula confirmed this was discussed at the last meeting. ► Mr. Nutting stated the Planning Board also recommended this. ► **MOTION to Close the hearing by Dellorco. SECOND by Kelly. No discussion. VOTE: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: Snow Update. ► Mr. Brutus Cantoreggi, Director of Public Works; Mr. Carlos Rebelo, Highway & Grounds Superintendent; and Mr. Deacon Perrotta, Director of Operations, addressed the Town Council. Mr. Cantoreggi provided an overview of the Town's snow removal operations. He discussed the priorities to keep the roads, municipal buildings, and sidewalks open. He reviewed the goals of the snow removal operation. He stated that they use 100 percent salt and no sand; it is more effective. They use what they call the five-truck route, which is really about seven

vehicles, for the main streets, hills, and all schools, instead of treating the entire town. However, sometimes they have to treat the entire town. He discussed that there are 35 pieces of plowing equipment on the roads. They like to have about 80 pieces of hired equipment. He stated that this is where they are having an issue. Last year they had 71 pieces of hired equipment. This year they only have 32 vehicles signed up right now. This is not just a Franklin issue, it is in every town and the state is having this problem. He stated they are trying to get a lot more vehicles. He stated the problem might have to do with the good economy right now. He noted some contractors have the equipment, but they cannot find people to drive, or who have the proper licenses to drive, the vehicles. Insurance costs are also a factor. The larger contractors are not really affected, but local people that may have trucks are finding the insurance policies are very high which makes it tough. He discussed difficulties in getting people to plow. He stated that this will mean a longer timetable to clear roads and it will not be done in four hours. It may mean more delays and cancellation of schools, and longer time to clear sidewalks and corners. There are a limited number of people plowing and the number one concern is safety. He stated the workers need sleep and there is not a second shift. As well, there will be delays in repairing potholes and other things the DPW does in town. He stated they have raised the plowing rates. They are paying more than the state and still they are not getting people. He stated they have improved technology and all vehicles use GPS that work for the Town. He stated he is using a treated salt that works at a lower temperature; it is more expensive but it goes down to five degrees instead of 18 degrees. He discussed the road pre-treatment plan. He stated they have changed plow routes and he discussed internal communications. He stated they have already talked to the School Department about what is going on. He discussed the last storm where it was supposed to be a dusting and there was eight inches of snow on the ground at midnight. He is trying to get the word out that it may take longer this year. He stated that these are not excuses, it is a fact of life. He is open to questions and thoughts from the Town Council. ► Town Council members asked questions, discussed the last snowstorm, stated that it is not acceptable to have eight inches of unplowed snow on the roads, noted that they have heard that some of the contractors will work for other towns but do not want to work for the Town of Franklin, suggested a referral program with a bonus for getting more contractors, agreed that last year a great job was done on snow removal, and stated that having the streets remain open is more important than getting the schools plowed, ► Mr. Cantoreggi stated his priorities are to keep the roads open. He stated that if anyone has a situation where their road is not plowed, please call us. He stated he works hard to keep their contractors and does what he can with rates. He reviewed when to call contractors in and when to let them go. He stated they really do not have extra trucks, so it is not really a possibility to just get drivers. He noted that even some of the contractors cannot find drivers. He confirmed that the priority is to clear the roads. He noted that not all of the 71 pieces of equipment they have can go on the roads, some are for sidewalks. ► Chairman Mercer thanked them for bringing the concerns to the Town Council and suggested they look into a referral program.

SUBCOMMITTEE REPORTS:

1. **Capital.** ► Mr. Dellorco stated nothing to report at this time.
2. **Budget.** ► Mr. Padula stated nothing to report at this time.
3. **Economic Development.** ► Mr. Kelly stated they met this evening and went over preliminary discussions on brewery, winery, and distillery bylaws and food requirements. The next meeting will be on December 12, 2018, and they plan to talk about the housing overlay and the Clark-Cutler-McDermott rezoning site. He noted the discussions are open to the public.
4. **Town Administrator Search.** ► Chairman Mercer stated this item will be discussed later in the meeting.

LEGISLATION FOR ACTION (continued):

- e. **Resolution 18-65: Conditional Offer of Town Administrator Position to Current Deputy Town Administrator (Motion to Approve Resolution 18-65 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 18-65: Conditional Offer of Town Administrator Position to Current Deputy Town Administrator Jamie Hellen by Kelly. SECOND by Padula.**
Discussion: ► Mr. Kelly, Chair of the Town Administrator Search Subcommittee, reviewed the

agenda of the Search Subcommittee. He stated they talked with the Human Resources Director regarding the search process; from there they considered the Deputy Town Administrator as a candidate and that is where the focus of the meeting was based. He noted that on November 14, 2018, there were 24 applicants: six had no town administrator experience. Of the remaining 18, four were actually qualified. He stated they did not receive the names of those applicants, that was the breakdown from the Human Resources Director. None of the applicants were from Franklin. He stated the conversation then turned to what Mr. Hellen's role has been in Franklin over the last three years. He provided an overview of how Mr. Hellen was selected as the Deputy Town Administrator three years ago. He stated Mr. Hellen has proven himself over this time. Mr. Kelly stated his thoughts were if we were not going to consider hiring Mr. Hellen today, why did we waste the past three years grooming him to take on this position. It would be an insult to the Town Council and to Mr. Hellen if we did not proceed forward with him as the next Town Administrator. He stated the subcommittee all spoke very favorably of Mr. Hellen and proposed and recommended Resolution 18-65. ► Ms. Pellegri, search committee member, stated that Mr. Kelly just said what they were going to say. It was unanimous that Mr. Hellen would be the best choice. ► Ms. Hamblen, search committee member, stated he is the best candidate who has the best experience to fill the spot. ► Chairman Mercer stated he was the other search committee member. ► Mr. Jones stated that although he was not part of the search committee, he agrees 100 percent with what the search committee has said. He is fully in support of bringing Mr. Hellen on as the Town Administrator. ► Mr. Padula stated that Mr. Hellen has had to earn the job. He praised Mr. Nutting for the great job he did as Town Administrator. He applauded the committee that made the decision for Mr. Hellen. He stated that Mr. Hellen has been on a three-year job interview with the Town. He is in favor of this; it is best for the Town of Franklin. ► Mr. Dellorco stated he agrees with the search subcommittee. ► Mr. Earls stated he has worked with Mr. Hellen and is impressed with his professionalism. He thinks there is a lot of value in Mr. Hellen's experience. He is very excited to see him as the Town Administrator. ► Mr. Casey stated he agreed with all that has already been said. ► Chairman Mercer stated he was on the Town Council three years ago when Mr. Hellen was hired as the Deputy Town Administrator. It was his thought that Mr. Hellen was someone that they hoped could step into Mr. Nutting's position when Mr. Nutting decided to retire. Mr. Hellen has done a wonderful job and has been mentored by the best. Chairman Mercer stated he is looking for someone that cares about the community; he can assure everyone that Mr. Hellen cares about the community. Mr. Mercer stated that Mr. Hellen deserves this position and has his 100 percent support. ► Audience member stated his support for Mr. Hellen as the Town Administrator. ► Chairman Mercer requested a Roll Call Vote. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES; Padula-YES; Pellegri-YES. ► **VOTE: Yes-9, No-0, Absent-0.** ► Mr. Hellen read from his prepared remarks. He thanked the Town Council for the honor and privilege to serve as Franklin's Town Administrator. He stated that working in Franklin over the past few years has been the highlight of his career and he has enjoyed every minute of it. He thanked Franklin's tremendous Town and School staff. He stated his door is always open for all staff and citizens. He reminded everyone that Franklin is a very special place; he will always do his best to maintain the exceptional quality of life that is in Franklin. He thanked Mr. Nutting for being an unbelievable mentor and friend.

- f. ***Zoning Bylaw Amendment 18-821: Zoning Map Changes On Or Near Plain Street, Pond Street, and Palomino Drive - 1st Reading (Motion to Move Zoning Bylaw Amendment 18-821 to a 2nd Reading - Majority Vote (5)).*** ► **MOTION to Waive** the reading by **Padula. SECOND** by **Kelly. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move** Zoning Bylaw Amendment 18-821: Zoning Map Changes On Or Near Plain Street, Pond Street, and Palomino Drive to a 2nd Reading by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this has been discussed. ► **VOTE: Yes-9, No-0, Absent-0.**
- g. ***Zoning Bylaw Amendment 18-822: Changes To §185-20. Signs - Referral to the Planning Board (Motion to Refer Zoning Bylaw Amendment 18-822 to the Planning Board - Majority Vote (5)).*** ► Mr. Jones began to read the Zoning Bylaw Amendment. ► **MOTION to Waive** the reading by

Padula. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. ► MOTION to Refer Zoning Bylaw Amendment 18-822: Changes To §185-20. Signs to the Planning Board by Kelly. SECOND by Dellorco. Discussion: ► Mr. Nutting stated this item and the next two are tweaks to the current sign bylaw. There were meetings with the Planning Board, EDC, and staff trying to get it right so as to not hurt the business community, but to clean up some of the gaps in the current sign bylaw that built up over the years. He provided examples of situations that needed to be cleaned up and tweaked. ► Mr. Bryan Taberner, Director, Planning and Community Development, stated that this is mostly just clarifications of what we mostly considered the rule. We clarified as much as we could; we addressed any problems we found over the past five or six years. ► VOTE: Yes-9, No-0, Absent-0.

- h. Zoning Bylaw Amendment 18-823: Changes To Sign District Regulations - Referral to the Planning Board (Motion to Refer Zoning Bylaw Amendment 18-823 to the Planning Board - Majority Vote (5)). ► MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. ► MOTION to Refer Zoning Bylaw Amendment 18-823: Changes To Sign District Regulations to the Planning Board by Kelly. SECOND by Dellorco. Discussion: ► Mr. Nutting stated that these three items go hand-in-hand. This zoning bylaw amendment spells out the actual dimensions and sizes on the Use Table that were incorporated in the last bylaw. The next item is about the Sign District Overlay Map. ► Mr. Taberner noted changes regarding free-standing signs and additions to the Use Table. ► VOTE: Yes-9, No-0, Absent-0.*
- i. Zoning Bylaw Amendment 18-824: Changes To Sign District Overlay Map - Referral to the Planning Board (Motion to Refer Zoning Bylaw Amendment 18-824 to the Planning Board - Majority Vote (5)). ► MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. ► MOTION to Refer Zoning Bylaw Amendment 18-824: Changes To Sign District Overlay Map to the Planning Board by Kelly. SECOND by Dellorco. Discussion: ► Mr. Nutting stated this is for the map. ► VOTE: Yes-9, No-0, Absent-0.*

Chairman Mercer recused himself.

- j. Bylaw Amendment 18-825: Chapter 47, Alcoholic Beverages - 1st Reading (Motion to Move Bylaw Amendment 18-825 to a 2nd Reading - Majority Vote (5)). ► Mr. Jones read the bylaw amendment. ► MOTION to Move Bylaw Amendment 18-825: Chapter 47, Alcoholic Beverages to a 2nd Reading by Hamblen. SECOND by Padula. Discussion: ► Mr. Nutting stated the Town has a bylaw that requires food to be served. However, he thinks in the case of a theater such as the Black Box and maybe Dean College, the fear that someone is going to go in and get inebriated prior to a theatrical performance is pretty much zero. In the meanwhile, they do serve alcohol because they come down and get 40 to 50 one-day liquor licenses per year. They have never had an incident or issue. It is an economic engine for the Downtown. So, instead of getting the one-day liquor license, they can just get a year-long license and be held to the same standards. If there are other performing folks that want this same type thing, they can do it also. He stated that he is recommending the current bylaw be changed for this very specific situation. ► Town Council members asked questions. ► Mr. Nutting confirmed this license would only be for theatrical events. He noted that Dean College, the VFW, and the Black Box come down regularly for the one-day license. The fee is \$2,500 per year. They would have to go through the same application process. He noted that to get a one-day license, they have to already be TIPS trained. ► Mr. Jones stated this seems logical. ► VOTE: Yes-8, No-0, Absent-0, Abstain-1. (Mr. Mercer abstained).*

Chairman Mercer re-entered the meeting.

- k. Bylaw Amendment 18-828: Fees Bylaw Changes - 1st Reading (Motion to Move Bylaw Amendment 18-828 to a 2nd Reading - Majority Vote (5)). ► MOTION to Waive the reading by Padula. SECOND by Kelly. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. ► MOTION to*

Move Bylaw Amendment 18-828: Fees Bylaw Changes to a 2nd Reading by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Hellen provided background and summary information. He stated that a few years ago a department-wide review was done of all fees. The entire bylaw was rewritten. Over the last year or two, some departments have come back with some tweaks. This bylaw represents the series of tweaks that are requested. He discussed that there are some additional changes that were added based on market analysis and looking at other towns' fees. He stated there is also a proposed fee waiver for the Recycling Center for people who qualify. He discussed the Downtown commuter station lot, rate, and benefits of this money. ► Ms. Pellegri noted that when a bylaw is advertised, only the changes need to be advertised, not the entire bylaw; \$1,000 does not have to be spent to advertise this. ► Mr. Cerel stated that is correct. ► Ms. Hamblen stated she is excited to see the change in the food truck fee. ► Town Council members asked questions about how some of the fees were determined. ► Mr. Hellen reviewed some of the fee changes. ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting stated the Charter School will be at the next Town Council meeting for a presentation. He has had initial discussions with Dean College and will continue that dialogue. He stated they have met with Mr. Lippert; they feel very badly, however, the Town has no liability or responsibility. He stated they did offer ideas and suggestions to Mr. Lippert. Mr. Nutting stated that the woman who came in from Alpine regarding the street lighting was referred to the Police Department to provide a recommendation. He congratulated Mr. Hellen and stated it has been a pleasure to work with him; he will do a fantastic job. ► Mr. Hellen reported the Recycling Center reopened on Friday; he thanked the citizens for being patient. The Holiday Happenings can be found on the Downtown Partnership website. The LED street light installation has hit the halfway point. He stated they keep calculating the numbers and they feel confident that the Town is scheduled to save \$2.96 million over the next 20 years in electricity.

FUTURE AGENDA ITEMS: ► *None.*

COUNCIL COMMENTS: ► Mr. Dellorco stated the street lights across from the Union Café are out. He stated the Town Common looks great. ► Ms. Pellegri stated the tree lighting at the Common was wonderful. She would like people to notice the new sign at 150 Emmons Street noting the landmark of where the high school used to be; the Franklin Museum and owner of 150 Emmons Street did this. She stated someone mentioned to her that there was mold at the Parmenter School. She asked if it had been taken care of. ► Mr. Nutting stated they have not heard that; if they had, they would be right on it. ► Ms. Pellegri stated the school had to throw out furniture and asked Mr. Nutting to look into it. ► Mr. Nutting noted the basement of that school has been wet for 25 years. There are sump pumps there. ► Mr. Padula stated it was a great job on the holiday decorations. ► Mr. Kelly stated the holiday celebration on the Common was great. ► Chairman Mercer thanked the DPW and everyone involved in decorating the Town and the Town Common. It was a great Christmas tree lighting. He congratulated Mr. Hellen.

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Kelly. SECOND by Padula. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 9:00 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary