

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
October 5, 2016**

A meeting of the Town Council was held on Wednesday, October 5, 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 21, 2016.* **MOTION** to **Approve** the September 21, 2016 meeting minutes by **Dellorco**. **SECOND** by **Mercer**. **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: *None.*

CITIZEN COMMENTS: ► Mr. Michael Swetz, Jr., 3 Kara-Lyn Drive, and resident for 21-plus years, discussed resident solar panel energy generation. It offers great opportunities for energy challenges in the nation. However, the installation and placement must be managed carefully for safety and the preservation of the community. He focused on a 40-solar panel ground-based installation at 42 Prospect Street. He stated it is positioned under a zoning ordinance that is an auxiliary building which is basically a garden shed. Right now a ground-based installation of solar panels can be put in a residential backyard as a garden shed which limits the controls on the environment, such as there are no screening and safety requirements. Solar panels do have some safety and security risks. He asked the Town Council and other government officials to support some solar panel limitations and new zoning regulations on such installations in residential sites possibly to limit the quantities of solar panels, require setbacks from abutters and streets, and provide safety measures to protect children and people from being close to the panels and possibly get electrocuted. ► Chairman Kelly noted that the Town Council received an email from Mr. Swetz today.

APPOINTMENTS: *Election Workers.* ► Ms. Pfeffer read the appointment. **MOTION** to **Ratify** the appointment by the Town Administrator of Election Workers Faye Caribardi, Diane Lowd, Corine Minkle, Casey Bekkum, and Gloria Rossi, with a term to expire on June 30, 2017 by **Pfeffer**. **SECOND** by **Mercer**. **No Discussion**. **VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: *None.*

LICENSE TRANSACTIONS: *None.*

PRESENTATIONS/DISCUSSIONS: *Historical Commission.* ► Ms. Mary Olsson, on behalf of the Franklin Historical Commission, addressed the Town Council to review the work done at the museum during the summer by two interns. She provided background information on how the Historical Commission received the financial approval to hire two well-qualified part-time interns: Alison Anderson who was present at tonight's meeting, and Nicole Nietzel. She stated the interns were of great assistance to the museum and the Historical Commission. ► Ms. Anderson provided a detailed update of the work done by both interns during the summer; more was required than simple inventory. The collections were

made more organized and usable and the inventory was computerized. She discussed community outreach and social media to support the museum, and suggested a part-time curator to preserve and care for the artifacts. ► Council members expressed their appreciation for the great job done by the interns at the museum and the wonderful presentation provided at this meeting.

SUBCOMMITTEE REPORTS: *None.*

LEGISLATION FOR ACTION:

1. ***Resolution 16-58: Request for Legislation, Exempting all Positions in the Fire Dept. from Civil Service Law.*** MOTION to **Table** Resolution 16-58: Request for Legislation, Exempting all Positions in the Fire Dept. from Civil Service Law to the November 2, 2016 meeting by **Mercer**. **SECOND** by **Jones**. **No Discussion.** **VOTE: Yes-9, No-0, Absent-0.**

2. ***Zoning Bylaw Amendment 16-768: Districts Enumerated. Creation of Rural Business Zoning District – Referral to Planning Board.*** MOTION to **Waive** the reading by **Mercer**. **SECOND** by **Dellorco**. **No Discussion.** **VOTE: Yes-9, No-0, Absent-0.** MOTION to **Move** Zoning Bylaw Amendment 16-768: Districts Enumerated. Creation of Rural Business Zoning District – Referral to Planning Board by **Mercer**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated that the next six resolutions relate to the potential rezoning of a parcel of land at the corner of Spring and Washington Streets, known as Hillside Nursery. For about 12 years, they have been seeking to change their operation somewhat and in this case have worked with the town and a bylaw was drafted that basically would allow for a country store, not more than 3,500 sq. ft., and would require that the store sell one-half foods, fruits, and vegetables, and the other things could be convenience store type items. It would allow for up to 20 seats, but also restrict the sale of tobacco, lottery, and alcohol other than beer and wine. A neighborhood meeting was held and about 30-40 neighbors were there. Some folks did not like the proposal while others did like it. If this gets referred to the Planning Board, they will hold a public hearing scheduled for October 17, 2016, and then it would come back to the Town Council on October 19 or November 2, 2016 for a public hearing. There will be plenty of time for the people to be heard. This would be a moderate expansion of what has been going on there for decades. ► Chairman Kelly stated the property owner/applicant is present at tonight’s meeting. He stated Mr. Nutting should schedule the public hearing for October 19, 2016. ► Ms. Pellegrini asked if it would be possible to have the Planning Board and Town Council have joint public hearings. It was done years ago. ► Chairman Kelly asked Attorney Mark Cerel to look into that and report back at the next meeting. ► Mr. Cerel stated he does not believe it can be done. He will look into it and get back to the Town Council. **VOTE: Yes-9, No-0, Absent-0.**

3. ***Zoning Bylaw Amendment 16-769: Definitions. Country Store – Referral to Planning Board.*** Ms. Pfeffer read the resolution. MOTION to **Move** Zoning Bylaw Amendment 16-769: Definitions. Country Store – Referral to Planning Board by **Mercer**. **SECOND** by **Padula**. **Discussion:** ► Mr. Nutting stated this spells out what the basic intent of the bylaw is. This is not intended to be a convenient store, but rather a country store. **VOTE: Yes-9, No-0, Absent-0.**

4. ***Zoning Bylaw Amendment 16-770: Rural Business Zone Use Regulations – Referral to Planning Board.*** MOTION to **Waive** the reading by **Mercer**. **SECOND** by **Padula**. **No Discussion.** **VOTE: Yes-9, No-0, Absent-0.** MOTION to **Move** Zoning Bylaw Amendment 16-770: Rural Business Zone Use Regulations – Referral to Planning Board by **Mercer**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Nutting stated same comment. **VOTE: Yes-9, No-0, Absent-0.**

5. ***Zoning Bylaw Amendment 16-771: Rural Business Zone Dimensional Regulations – Referral to Planning Board.*** MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion. VOTE: Yes-9, No-0, Absent-0. MOTION to Move Zoning Bylaw Amendment 16-771: Rural Business Zone Dimensional Regulations – Referral to Planning Board by Mercer. SECOND by Dellorco. Discussion: ► Mr. Nutting stated no comment. VOTE: Yes-9, No-0, Absent-0.
6. ***Zoning Bylaw Amendment 16-772: Rural Business Zone Sign Regulations – Referral to Planning Board.*** MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion. VOTE: Yes-9, No-0, Absent-0. MOTION to Move Zoning Bylaw Amendment 16-772: Rural Business Zone Sign Regulations – Referral to Planning Board by Mercer. SECOND by Padula. Discussion: ► Mr. Nutting stated no comment. VOTE: Yes-9, No-0, Absent-0.
7. ***Zoning Bylaw Amendment 16-773: Zoning Map Changes from Rural Residential 1 to Rural Business an Area on Washington Street – Referral to Planning Board.*** Ms. Pfeffer read the resolution. MOTION to Move Zoning Bylaw Amendment 16-773: Zoning Map Changes from Rural Residential 1 to Rural Business an Area on Washington Street – Referral to Planning Board by Mercer. SECOND by Dellorco. Discussion: ► Mr. Nutting stated no comment. VOTE: Yes-9, No-0, Absent-0.

TOWN ADMINISTRATOR’S REPORT: ► Mr. Hellen stated the ribbon cutting for the Downtown event is tomorrow at 4:00 PM. There is also the Harvest Stroll. ► Regarding the municipal aggregation for bulk purchasing of electricity, the town’s plan was just approved this week by the Department of Public Utilities and will be going out to bid in the next couple of days. Should have some preliminary pricing in the next two weeks; will find out if can get better rates than what National Grid is doing. ► Regarding 300 Fisher Street, a Superfund site, the EPA is starting their community meetings tomorrow and Friday. If any member of the public would like to set up an appointment, the information is on the front page of the town website.

FUTURE AGENDA ITEMS: ► Mr. Jones noted the citizen’s comment by Mr. Michael Swetz. He would like to bring this up as a discussion on a future agenda. He would like the Planning Department or Mr. Nutting’s office to review if there are any current bylaws that would cover ground level solar panels including national electric codes covering requirements and addressing appearance. ► Ms. Pfeffer requested a future agenda item that the Town Council adopt a resolution that the Town Council is not in favor of a Yes vote on ballot Question #4, the marijuana question. Secondly, she requested that in case Question #4 goes through, she would like to have the Town Council address where smoke shops can be located and have them outside of the business district. ► Mr. Nutting stated he will look into it. ► Council members discussed if Question #4 were to pass. ► Mr. Nutting stated there is no agreement with any growing facility in Franklin; a marijuana dispensary or growing facility can only be in the Industrial zone. He does not know what the law will be in retail space. It is a zoning issue. He will look into it. ► Ms. Pellegrini stated she would like to see the Fire Department give a presentation on civil service before the Town Council votes.

COUNCIL COMMENTS: ► Ms. Pellegrini gave thanks for the downtown parking report indicating that citations are being give out. ► Mr. Nutting noted that the report indicated that some people are just moving their car every two hours; so, it might have to be addressed if it does not get better. ► Ms. Pellegrini asked if the plastic bag discussion item will be further discussed. ► Mr. Nutting stated it is on for a bylaw and will be discussed again at that time. ► Mr. Paula stated he encouraged the fire fighters to continue to reach out to the Town Council. This is a new issue to him. Things change. He wants to review it thoroughly. He also noted that the 2-hour parking signs are very visible downtown and he hopes it is a good trade-off with the meters that used to be there. ► Mr. Mercer stated he has received three calls from

residents about the parking issue. The residents stated that they had always parked in front of their houses during the day and now they can't or they will be ticketed. Maybe there is a way to clarify this for the people that are the residents of those houses. ► Mr. Nutting stated they did away with the resident stickers. They put the bylaw in that area to stop commuters. ► Mr. Mercer stated he knows the reason, but now the homeowners are being penalized. ► Mr. Nutting stated he thinks there is a way to deal with the issue. ► Mr. Mercer stated emails have been received regarding GATRA and pickups. He knows there are a certain number of stops and if the stops are increased it would increase the Town's payment amount for GATRA. He would like to know what the usage is at the current stops. How many people are being picked up at certain locations, and if no one, would the town's dollars be better spent going to other senior places? ► Mr. Nutting stated he can provide the Town Council with the usage numbers. ► Mr. Jones reminded everyone about the Harlem Wizard's basketball team fundraiser at the Tri-County High School on November 18, 2016 at 7:00 PM. Tickets are on sale. It will be a fun night; come support the children of Franklin. ► Mr. Dellorco stated that clarification is needed as to whether GATRA requires notice of 24 or 48 hours. In addition, he stated that he does not know what the conservation agent is doing, but in his eyes, he is a bully. The conservation agent has three people so far that have to call wetland scientists. Mr. Dellorco stated he thinks the conservation agent should come before the Town Council. He is embarrassing the town. ► Mr. Vallee stated he has stories, too. ► Mr. Bissanti stated he is not against the conservation agent doing his job, it is just the way he is doing it. A little bedside manner would be good. He stated that Mr. Hellen spoke with the conservation agent. He would like to go through the right channels and requested Mr. Nutting get something done in this direction. He also commented on Question #4 and the locations. ► Mr. Nutting stated that if the law passes, the marijuana has to go somewhere as it will be the law. It is a zoning question. It is a future agenda item. ► Mr. Pfeffer stated the library had the topping off ceremony with a small pine tree and the American flag put on the final beam. All the Town Council members' names were signed on the beam that is going on top of the library.

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Jones. Yes-9, No-0, Absent-0. Meeting adjourned at 7:56 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary