

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
September 4, 2019**

A meeting of the Town Council was held on Wednesday, September 4, 2019, at the Franklin Municipal Building, Council Chambers, 355 East Central Street, Franklin, Massachusetts. Councilors present: Patrick Casey, Robert Dellorco, Eamon McCarthy Earls, Melanie Hamblen, Glenn Jones, Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegri. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Assistant to the Town Administrator.

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: ► Ms. Teresa Burr, Town Clerk, reminded everyone about the bi-annual town election to be held on November 5, 2019 at the High School from 6:00 AM to 8:00 PM. She reviewed the list of 27 open seats. Papers are available until September 13, 2019; all papers must be returned to the Town Clerk's office by September 17, 2019 at 5:00 PM. Additional information is available on the website.

APPROVAL OF MINUTES: ► *August 21, 2019.* ► **MOTION to Approve** the August 21, 2019 meeting minutes by **Kelly**. **SECOND** by **Dellorco**. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: ► *Fire Department Swearing In: Matthew Berger Firefighter/Paramedic.* ► Fire Chief James McLaughlin introduced new firefighter/paramedic Matthew Berger and reviewed his background and experience. ► Town Clerk Teresa Burr performed the swearing in.

Chairman Mercer declared a two-minute recess.

APPOINTMENTS: ► *Library Board of Directors, Board Member Appointments: Amanda Rabbitt & Ginette Preto and Associate Member Appointments: Alison Wallace & Charleen M. Belcher.* ► Mr. Jones read the appointment. ► **MOTION to Appoint** Amanda Rabbitt and Ginette Preto to serve as members of the Library Board of Directors with terms expiring June 30, 2022, and Charleen Belcher and Alison Wallace to serve as associate members of the Library Board of Directors with terms expiring June 30, 2020 by **Jones**. **SECOND** by **Padula**. **Discussion:** ► Mr. Hellen stated there were many applicants. He noted there is much going on at the library and they are embarking on a five-year strategic planning process soon. He thanked those who volunteered. ► **VOTE: Yes-9, No-0, Absent-0.**

► *Finance Committee: Michael Kasberg & Nicole Corbosiero.* ► Mr. Jones read the appointment. ► **MOTION to Appoint** Michael Kasberg and Nicole Corbosiero to serve as members of the Finance Committee with terms expiring June 30, 2022 by **Jones**. **SECOND** by **Padula**. **Discussion:** ► Mr. Hellen stated there were many applicants. He stated both Mr. Kasberg and Ms. Corbosiero will be great assets to the Finance Committee. ► **VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: ► *Contractor & Son, Inc. (Lincoln Street Market): Application for Transfer of License and Change Location/Pledge of \$15 Package Store License - Public Hearing 7:10 PM.* ► Chairman Mercer declared the hearing open. ► Mr. Richard Cornetta, Attorney of Cornetta, Ficco & Simmler, P.C., representing Contractor & Son, Inc.; Mr. Pramod Contractor, Principle Shareholder and proposed License Manager; and Mr. Cornell Contractor, son of Mr. Pramod Contractor, addressed the Town Council. Mr. Cornetta stated Contractor & Son, Inc. is better known as d/b/a Lincoln Street Market.

Chairman Mercer declared a five-minute recess.

Mr. Cornetta noted Mr. Cornell Contractor is awaiting his citizenship in November 2019 and he may return to request being the named manager as he is very involved in the business. He stated an agreement was reached and Contractor & Son, Inc. will be purchasing the license from Dacey's Market pending approval by the Town Council. He noted all application and required documents have been provided. He reviewed the experience of Mr. Pramod Contractor. He stated they are not only asking for the transfer of the license, but a change of location; the license will now be used at the Lincoln Street Market. He stated the Keller Sullivan Middle School is within 500 ft. of the market and reviewed the boundary lines. He stated no written objection has been filed by the school. He reviewed a diagram of the entry/exit locations and the interior of the market pointing out the separation of convenience store and liquor store areas. He stated the layout should mitigate any issues the Town Council may have with it being so close to a school. He noted they are moving the license about 500 ft. down the road. He reviewed additional factors in deciding if this is in the public interest. He asked the Town Council to favorably consider this license transfer, the relocation of the license, and the pledge of the license to Rockland Trust. ► Mr. David Neubauer, 113 Miller Street, stated he has been going to the Lincoln Street Market for many years and the applicants have been great. ► Mr. Padula stated he has been to the market and it is very neat and clean. He discussed the issue with it being within 500 ft. from the school and confirmed there is no statute regarding the distance. ► Mr. Cerel stated the Town Council could add into their decision that they took into consideration the proximity of the school and did not see it as a negative. ► Chairman Mercer noted there were no objections from anyone present at the meeting, and there was nothing from the School Committee regarding any objections. He closed the public hearing.

LICENSE TRANSACTIONS: ► *Contractor & Son, Inc. (Lincoln Street Market): Application for Transfer of License and Change Location/Pledge of \$15 Package Store License.* ► Mr. Jones read the license transaction. ► **MOTION to Approve** the request by Contractor & Son, Inc. for a transfer of the All Alcoholic Beverages Package Store license from Moksh, LLC d/b/a Dacey's Market from 345 Lincoln Street to 465 Lincoln Street and to approve the License Manager, Pramod R. Contractor, by **Kelly. SECOND by Dellorco. Discussion:** ► Mr. Cerel stated in regard to pledging the license, it is primarily an ABCC issue and finance issue. There is no downside to it. The school proximity issue should be noted in the records. ► Chairman Mercer requested to amend the motion to include both items noted by Mr. Cerel. ► **MOTION to Amend** the previous Motion as stated by town counsel to include the proximity of the school as well as the pledge of the license by **Jones. SECOND by Dellorco. No Discussion.** ► **VOTE (on the amendment): Yes-9, No-0, Absent-0.** ► **VOTE (on the Motion as amended): Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► *Library Presentation.* ► Ms. Felicia Oti, Library Director; Ms. Kim Shipala, Assistant Library Director; and Ms. Caleigh Keating, Youth Services Librarian, addressed the Town Council. Ms. Oti narrated a PowerPoint presentation and provided an overview of the library including the facilities, staffing, hours, services, usage, collections, programs, and community engagement. She reviewed some of the questions and responses on the library surveys, as well as the strategic plan, sustainable funding, and support needed to continue to meet and exceed the community's expectations. ► Town Council members asked questions and thanked Ms. Oti and the staff for their hard work. ► Chairman Mercer thanked all past and present Town Council members who were involved in the library addition. He thanked the library staff for the presentation.

SUBCOMMITTEE REPORTS:

► Chairman Mercer stated there have been no subcommittee meetings since the last Town Council meeting.

- a. *Capital Budget Subcommittee.*
- b. *Budget Subcommittee.*
- c. *Economic Development Subcommittee.*

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. ***Resolution 19-59: Open Meeting Law Compliance: Authorization to Adopt Municipal Website as Official Method of Notice Posting (Motion to Approve Resolution 19-59 - Majority Vote (5)).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-59: Open Meeting Law Compliance: Authorization to Adopt Municipal Website as Official Method of Notice Posting by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Hellen stated this will allow the municipal website to be the official and legal method of notice posting for all Town board and committee meetings. He stated 169 towns across the state have already adopted this statute. He stated the agendas will still be posted in the Town Clerk's office window. ► Ms. Pellegrini expressed concern about having the website be the official method of notice posting and asked who will be monitoring the website to confirm all agendas are being posted. ► Mr. Hellen stated the Town Clerk will monitor that. ► Mr. Padula, Mr. Kelly, Mr. Jones, and Ms. Hamblen expressed support for this change. ► Mr. Earls confirmed the agenda notice will continue to be posted in the Town Clerk's office. ► Mr. Cerel confirmed the official posting will be the electronic posting, but it must still be physically posted with the Town Clerk. ► Chairman Mercer reiterated nothing will be changed about the way agendas are posted, only that the legal posting will now be the website. ► **VOTE: Yes-9, No-0, Absent-0.**
- b. ***Resolution 19-60: Revision of 2019 Town Council Meeting Schedule (Motion to Approve Resolution 19-60 - Majority Vote (5)).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-60: Revision of 2019 Town Council Meeting Schedule by **Kelly. SECOND** by **Padula. Discussion:** ► Mr. Hellen reviewed the change to eliminate the November 27, 2019 meeting and have the Tax Rate hearing on December 4, 2019. ► **VOTE: Yes-9, No-0, Absent-0.**
- c. ***Resolution 19-61: Gift Acceptance-Franklin Police Department (Motion to Approve Resolution 19-61 - Majority Vote (5)).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-61: Gift Acceptance-Franklin Police Department by **Kelly. SECOND** by **Padula. Discussion:** ► Mr. Hellen thanked Shaw's Supermarket for the \$250 donation for the Police Department's annual Halloween party. ► **VOTE: Yes-9, No-0, Absent-0.**
- d. ***Resolution 19-62: Acceptance of Easement for Traffic Signal Equipment on Property at 876 King Street (Motion to Approve Resolution 19-62 - Majority Vote (5)).*** ► **MOTION to Waive** the reading by **Padula. SECOND** by **Kelly. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** Resolution 19-62: Acceptance of Easement for Traffic Signal Equipment on Property at 876 King Street by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Hellen stated the Charter School opened last week. A condition of their Special Permit with the Planning Board was that they had to redesign the intersection and put in a traffic light. He stated Michael Maglio, Town Engineer, is here to answer any questions. ► Mr. Maglio confirmed it would be a fully functional standard traffic signal. ► **VOTE: Yes-9, No-0, Absent-0.**
- e. ***Bylaw Amendment 19-844 As Amended: 225 Plain Street - Sewer System Extension - Second Reading (Motion to Adopt Bylaw Amendment 19-844 As Amended: Sewer System Extension - Majority Roll Call Vote (5)).*** ► Mr. Jones read the bylaw amendment as amended. ► **MOTION to Adopt** Bylaw Amendment 19-844 As Amended: 225 Plain Street - Sewer Extension by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Hellen stated this is the second reading of the amendment that the Town Council approved at the last meeting. He noted this amended version indicates it is for one single-family residence. ► Mr. Maglio, Town Engineer, stated he spoke with the Town Planner and DPW Director of Bellingham. They noted that long-term, they may be interested in tying into the Franklin town sewer.

► Town Council members asked questions about the bylaw. ► Mr. Cerel reviewed the process for connecting to the sewer line and noted only one single-family residence can be built. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES. ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► *Town Council Bi-Annual Goals Update.* ► Mr. Hellen noted there are only a few meetings left before the next election. He stated he provided Town Council members with a memo updating the goals that were set a few years ago. He stated he will give a copy to Steve Sherlock to post online. He reviewed a few points about EEE. He said he is working with the state representatives and monitoring the situation closely. There is information on the Town website. Currently, the Town is at a moderate risk. No evening events have been cancelled, yet. He advised people to wear mosquito repellent when going out and provided other protection advice. He advised residents to call the Town offices with any questions. ► Mr. Cerel provided a review of voting on bylaw adoptions. He stated the Charter requires two readings; a second reading requires a roll call vote. Zoning bylaws must have a two-thirds majority which would be six. All other bylaws are usually a simple majority which would be five. This is listed in the procedure's manual.

FUTURE AGENDA ITEMS: ► *None.*

COUNCIL COMMENTS: ► Ms. Hamblen reminded everyone that October 1st is the deadline to apply for Chapter 61. The Agriculture Commission is holding the 2019 Zucchini Races at the Farmers' Market on September 13th; more information is available on the Town website. ► Mr. Dellorco noted Walpole was designated as critical risk for EEE. ► Mr. Earls mentioned the fire on July 6th at the Water Treatment Plant that affected the water ban. He asked when the ban would be lifted. He suggested that signboards on the road may be a way to alert residents to upcoming board and committee meetings. ► Mr. Hellen said the water ban would probably be lifted at the end of the month. ► Ms. Pellegrini stated the flowers on the bridge were nice but died very quickly. She asked if this was due to the water ban. She encouraged residents to run for office for any of the open seats. ► Mr. Kelly wished Happy Birthday to former Town Council member Andrew Bissanti. ► Town Council members wished Mr. Casey good luck on his wedding ceremony on September 14th.

EXECUTIVE SESSION: *None.*

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

Respectfully submitted,

Judith Lizardi
Recording Secretary