



FRANKLIN TOWN COUNCIL
March 28, 2018

Municipal Building
355 East Central Street
2nd Floor Council Chambers

7:00 PM

A. APPROVAL OF MINUTES – *March 14, 2018*

B. ANNOUNCEMENTS –

1. *This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon channel 29. This meeting may also be recorded by others.*

C. PROCLAMATIONS/RECOGNITIONS - *Swearing in of Firefighter Paramedic*

D. CITIZEN COMMENTS – *Citizens are welcome to express their views for up to five minutes on a matter that is not on the Agenda. The Council will not engage in a dialogue or comment on a matter raised during Citizen Comments. The Town Council will give remarks appropriate consideration and may ask the Town Administrator to review the matter.*

E. APPOINTMENTS - *Council on Aging*

F. HEARINGS

G. LICENSE TRANSACTIONS

H. PRESENTATIONS/DISCUSSIONS - *An Act relative to establishing an animal abuse registry*

I. SUBCOMMITTEE REPORTS

1. *Capital*
2. *Budget*
3. *EDC*

J. LEGISLATION FOR ACTION

1. *Resolution 18-16: Authorization for the Town Administrator to Enter into Lease Purchase Financing Agreement to Fund New Municipal Telephone Systems (**Motion to Move Resolution 18-16 – 2/3 Majority Vote (6)**)*

K. TOWN ADMINISTRATOR'S REPORT

L. FUTURE AGENDA ITEMS

M. COUNCIL COMMENTS

N. EXECUTIVE SESSION: *Strategy for collective bargaining with Police Unions*

O. ADJOURN

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FRANKLIN TOWN COUNCIL MINUTES OF MEETING MARCH 14, 2018

A meeting of the Town Council was held on Wednesday, March 14, 2018, at the Franklin Municipal Building at 355 East Central Street, Franklin, Massachusetts. Councilors present: Patrick Casey, Robert Dellorco, Melanie Hamblen, Glenn Jones, Eamon McCarthy Earls, Matthew Kelly, Thomas Mercer, Peter Padula. Councilor absent – Deborah Pellegri, 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 led by the Boy Scouts.

A. APPROVAL OF MINUTES: *February 14, 2018* • **MOTION** to **Approve** the February 14, 2018 meeting minutes by **Padula**. **SECOND** by **Dellorco**. **No Discussion**. • **Vote: Yes – 8, No-0, Absent - 1.**

B. 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.

C. PROCLAMATIONS/RECOGNITIONS: *None.*

D. CITIZEN COMMENTS: *None.*

E. APPOINTMENTS: • **Zoning Board of Appeals.** Mr. Jones read the appointment. •**MOTION** to **Ratify** the appointment by the Town Administrator of Mickey Whitmore to serve as an Associate member of the Zoning Board of Appeals with an expiration date of June 30, 2019 by **Padula**. **SECOND** by **Jones**. **No Discussion**. •**VOTE: Yes-8, No-0, Absent-1.**

•**Agricultural Commission.** • Mr. Jones read the appointments. •**MOTION** to **Ratify** the appointments by the Town Administrator of the following individuals to serve on the Agricultural Commission: Jeffrey Perry to serve as a member with an expiration date of June 30, 2018, Marian Szymanski to serve as a member with an expiration date of June 30, 2018, Linda Noel to serve as a member with an expiration date of June 30, 2019, Carly Fisher to serve as a member with an expiration date of June 30, 2019, Roger Trahan to serve as a member with an expiration date of June 30, 2020, and Nick Hoffmann to serve as an Associate Member with an expiration date of June 30, 2020, and Tim Garboski to serve as an Associate member with an expiration date of June 30, 2020 by **Padula**. **SECOND** by **Jones** •**VOTE: Yes-8, No-0, Absent-1.**

F. HEARINGS: *None.*

G. LICENSE TRANSACTIONS: *None.*

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H. PRESENTATIONS/DISCUSSIONS: *Legislative Update – Senator Karen Spilka, Representative Jeffrey Roy, Senator Richard Ross – Postponed until April 11, 2018*

I. SUBCOMMITTEE Reports:

1. **Capital** – Councilor Dellorco stated that the Committee has finished their work with the adoption of the Capital Budget.
2. **Budget.**
3. **Economic Development.** – Councilor Mercer stated that the EDC is discussing several projects that they will be bringing before the Council for action.

J. LEGISLATION FOR ACTION

1. **Resolution 18-13 – Acceptance of Gift – Franklin Cultural Council (Motion to Move Resolution 18-13 – Majority Vote (5))** •Mr. Jones read the resolution accepting a \$500 gift to the Cultural Council from Dean Bank. •**MOTION to Move Resolution 18-13: Acceptance of Gift – Franklin Cultural Council by Jones. SECOND by Padula. • VOTE: Yes-8, No-0, Absent-1.**
2. **Resolution 18-14 – Acceptance of Gift – Franklin Cultural Council (Motion to Move Resolution 18-14 – Majority Vote (5))** •Mr. Jones read the resolution accepting a \$500 gift to the Cultural Council from Dedham Savings Bank. •**MOTION to Move Resolution 18-14 – Acceptance of Gift – Franklin Cultural Council by Jones. SECOND by Padula. Vote: Yes-8, No-0, Absent-1.**
3. **Resolution 18-15 – Authorization for Acquisition and Use of New Voting Machines (MOTION to Move Resolution 18-15 – Majority Vote (5))** • Mr. Jones Read the Resolution approving the authorization to acquire and use 9 new Imagecast Precinct Tabulator voting machines. • **MOTION to Move Resolution 18-15 – Authorization for Acquisition and Use of New Voting Machines by Jones. SECOND by Padula. Discussion:** • Town Administrator stated that this is a Legal requirement. • Town Clerk spoke in favor of the Resolution. • **VOTE: Yes-8, No-0, Absent-1.**
4. **Bylaw Amendment 18-798R: Chapter 155, Streets and Sidewalks – 2nd Reading (Motion to Move Bylaw Amendment 18-798R – Majority Roll Call Vote (5))** •Mr. Jones Read the Bylaw to allow enforcement of the illegal deposits of soil, gravel, or debris onto the Streets and Sidewalks. • **MOTION to Move Bylaw Amendment 18-798R: Chapter 155, Streets and Sidewalks by Dellorco. SECOND by Padula. Discussion:** • Councilor Hamblen raised concern about minimal amounts such as by tractors. Town Administrator stated that this is a common sense bylaw for construction and worksite debris. • **ROLL CALL VOTE:** Casey-YES, Dellorco-YES, Hamblen-YES, Jones-YES, Kelly-YES, McCarthy Earls-YES, Mercer-YES, Padula-YES. • **VOTE: Yes-8, No-0, Absent-1.**

K. TOWN ADMINISTRATOR’S REPORT

Deputy town Administrator Jamie Hellen updated the Council:

1. The Police have installed an “Internet Exchange Zone” in the Sculpture Park parking lot. The zone has a designated sign and has 24 hour surveillance.

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2. Total snow and ice removal for the year is \$1.1 million; \$400,000 for just the last two weeks and 3 Nor'easters.

3. Gave an overview of our Emergency Management Operation group and how the group works with National Grid during storms.

L. FUTURE AGENDA ITEMS – Councilor Jones would like Council support to bring legislation by Senator Richard Ross on the State wide registry of convicted animal abusers to a future meeting. Councilor Dellorco supported this idea.

M. COUNCIL COMMENTS - Congratulations to the Boys Varsity Basketball Team for an outstanding season and congratulations to the Girls Cheerleading Division 1 South Regional Champions. Kudo's to the DPW for their efforts during these winter storms.

N. EXECUTIVE SESSION – *None.*

O. ADJOURN: MOTION to Adjourn by Padula. SECOND by Jones. No Discussion.

• **VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 7:55 PM.**

Respectfully submitted,

Maxine Kinhart

Swearing in

of

Firefighter Paramedic:

Peter Ballou



APPOINTMENTS



Council on Aging

Faith Flaherty
13 Glenn Drive

The Council on Aging has recommended the appointment of Faith to serve as a member of the Council on Aging with an expiration of June 30, 2019.

MOTION to ratify the appointment by the Town Administrator of Faith Flaherty to serve as a member of the Council on Aging.

DATED: _____, 2018

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Glenn Jones, Clerk
Franklin Town Council

PRESENTATIONS
AND
DISCUSSIONS

- *An Act relative to establishing an animal abuse registry*

PRESENTATIONS
AND
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- *An Act relative to establishing an animal abuse registry*

HOUSE No. 852

The Commonwealth of Massachusetts

PRESENTED BY:

Steven S. Howitt

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to establishing an animal abuse registry.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>

HOUSE No. 852

By Mr. Howitt of Seekonk, a petition (accompanied by bill, House, No. 852) of Steven S. Howitt, F. Jay Barrows and Richard J. Ross for legislation to establish an animal abuse registry. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1385 OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to establishing an animal abuse registry.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 272 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by inserting at the end thereof the following new section:-

3 Section 106. Animal Abuse Registry

4 (a) DEFINITIONS.

5 The following words as used in this chapter, unless the context otherwise requires, shall
6 have the following meanings:

7 “animal abuse crime”, the commission of any crime against an animal under Chapter 272,
8 Sections 77 through 81, inclusive, of the General Laws, and the comparable animal cruelty
9 statutes of any other state.

10 “animal breeder”, any entity engaged in the practice of facilitating the reproduction of
11 animals for the purpose of distributing the resulting offspring to one or more other individuals or
12 entities.

13 “animal shelter”, a public animal control facility, or any other facility which is operated
14 by any organization or individual for the purpose of protecting animals from cruelty, neglect, or
15 abuse.

16 “convicted of”, an adjudication of guilt by any court of competent jurisdiction, whether
17 upon a verdict or plea of guilty or nolo contendere.

18 “pet store”, every place or premise where birds, mammals or reptiles are kept for the
19 purpose of sale at either wholesale or retail, import, export, barter, exchange or gift.

20 (b) CREATION OF AN ANIMAL ABUSE REGISTRY. ———

21 The Department of Criminal Justice Information Services shall establish and maintain a
22 central computerized registry of all persons convicted of an animal abuse crime who are required
23 to register pursuant to subsection (c) of this act, to be known as the Massachusetts animal abuse
24 registry. ———

25 The registry shall be updated based on information made available to the Department of
26 Criminal Justice Information Services, including information acquired pursuant to the
27 registration provisions of subsection (c).

28 The registry shall include the following information: the offender’s name, the offender’s
29 residential address, the date and a description of the crime for which registration is required, and
30 a photograph of the offender’s head and shoulders from the front.

31 (c) REGISTRATION REQUIREMENT AND REQUIRED INFORMATION.

32 All persons eighteen (18) years of age or older, or minors who have been tried as adults,
33 who reside in Massachusetts and are convicted of an animal abuse crime on or after the effective
34 date of this law, shall register within ten (10) days following either the date of judgment or date
35 of release from incarceration, whichever is later. Residents of other states who are convicted of
36 an animal abuse crime on or after the effective date of this law, who subsequently reside in
37 Massachusetts, shall register within their first ten (10) days of residing in Massachusetts.

38 Each person required to register under this section shall submit to the Department of
39 Criminal Justice Information Services for inclusion on the registry:

- 40 a. Their name;
- 41 b. Their residential address;
- 42 c. A description of the offense for which registration is required, the city or town where
43 the offense occurred, the date of conviction or adjudication, and the sentence imposed; and
- 44 d. A photograph of their head and shoulders from the front.

45 A person required to register under this section shall update registration information to
46 reflect any change in address which may occur, or if no change in address occurs, annually from
47 the date of their first registration.

48 Registration pursuant to this section shall remain in effect for a period of five (5) years
49 following either the date of judgment or date of release from incarceration, whichever is later,
50 provided that such period shall be extended for additional five year periods for each conviction
51 which may occur subsequent to an initial registration.

52 (d) FEES.

53 Every person required to register under subsection (c) shall pay an annual fee of \$50 to
54 the Department of Criminal Justice Information Services. These funds shall be used to pay the
55 administrative costs of maintaining the registry.

56 (e) FAILURE TO REGISTER.

57 Any person required to register under subsection (c) who knowingly: (i) fails to register;
58 (ii) fails to verify registration information; (iii) fails to provide notice of a change of address; or
59 (iv) knowingly provides false information shall be punished in accordance with this section.

60 a. A first conviction under this subsection shall be punished by imprisonment for not less
61 than six months and not more than two and one-half years in a house of correction nor more than
62 five years in a state prison or by a fine of not more than \$1,000 or by both such fine and
63 imprisonment.

64 b. A second and subsequent conviction under this subsection shall be punished by
65 imprisonment in the state prison for not less than five years.

66 c. A first conviction under this subsection shall be punished by a fine of not more than
67 \$1,000 or imprisonment in a house of correction for not more than 10 days, or both.

68 d. A second conviction under this subsection shall be punished by a fine of not more than
69 \$5, 000 or imprisonment in a house of correction for not more than 2 years, or both.

70 (f) APPEALING REGISTRATION.

71 1. Anyone convicted of an animal abuse crime who would otherwise be required to
72 register under subsection (c), may appeal to District Court for a determination of the level of
73 danger posed by the offender. The department may, upon making specific written findings that
74 the circumstances of the offense, in conjunction with the offender's criminal history, do not
75 indicate a risk of reoffense or a danger to the public and the reasons therefore, relieve such
76 offender of any further obligation to register, and shall remove such offender's registration
77 information from the registry.

78 (g) AVAILABILITY OF REGISTRY.

79 The Department of Criminal Justice Information Services shall keep confidential and
80 shall not publish the information contained in the registry, except that the information contained
81 in the registry shall be made available for inspection by any animal shelter, pet store, or animal
82 breeder in Massachusetts.

83 (h) REQUIREMENT TO CHECK REGISTRY.

84 All animal shelters, pet stores, and animal breeders in Massachusetts shall determine
85 whether the name and address of any person seeking to purchase or adopt an animal appears on
86 the registry.

87 No animal shelter, pet store, or animal breeder shall knowingly offer, sell, deliver, give or
88 provide an animal to any person registered on the registry.

89 (i) PUNISHMENT FOR NOT CHECKING REGISTRY.

90 Any animal shelter, pet store, or animal breeder who violates the provisions of this act
91 shall be punished by a fine of not less than \$1,000 or imprisonment for a period of not more than

92 one year for a first offense, provided that each subsequent offense shall be punishable by a fine
93 of not less than \$5,000 and imprisonment in a jail or house of correction for not more than five
94 years.

Memo

To: Town Council

From: Jeffrey D. Nutting
Jamie Hellen

Date: March 22, 2018

Re: Request Authorization to Lease Telephones

A few years ago we asked the Capital Budget Committee for funds to replace the phones in the municipal buildings. At the time, it was recommended by Councilor Kelly that we consider leasing of the phones. The project went on the back burner during the Library, Senior Center, and Recreation Center projects.

At this point the phones are old and not supported. Recently, we met with a vendor and can lease the phones for 5 years. The cost of the lease will be mostly offset by the savings in providing phone service to the Town of Franklin. We currently pay \$3,488 per month for phone service and the new charge will be \$1,032 or a savings of \$2,456. The lease will be \$2,744 per month. So, we get a brand new phone system for a net of \$288 per month or \$3,456 per year which will come out of the facilities budget.

We will own the phones after 5 years and expect to keep them for several years beyond the end of the lease.

If we purchased the phones, it would cost approximately \$139,000.

I am happy to answer any questions.



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 18-16

**AUTHORIZATION FOR TOWN ADMINISTRATOR TO ENTER INTO
LEASE PURCHASE FINANCING AGREEMENT TO FUND
NEW MUNICIPAL TELEPHONE SYSTEMS**

WHEREAS, the Town Administrator has determined that various municipal departments are in need of new telephone systems to replace the existing outdated systems, and

WHEREAS, the Town Administrator intends to acquire and install new telephone systems and recommends the equipment acquisition be funded through a lease purchase financing agreement, and

WHEREAS, G.L. Chapter 44, Section 21C authorizes a municipality to enter into an equipment lease financing agreement, by a two-thirds vote of its legislative body, if recommended by its chief executive officer,

NOW, THEREFORE BE IT VOTED by the Franklin Town Council, acting on behalf of the Town of Franklin, that the Town Administrator is hereby authorized to enter into a lease purchase financing agreement to fund the acquisition of new telephone systems, and that the Town Administrator is authorized to execute any and all documents and to take any other action necessary to consummate said transaction.

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

DATED: _____, 2018

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

**Teresa M. Burr
Town Clerk**

ABSENT _____

**Glenn Jones, Clerk
Franklin Town Council**