

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
December 7, 2016**

A meeting of the Town Council was held on Wednesday, December 7, 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 in honor of the 75th anniversary of Pearl Harbor and the Pledge of Allegiance.

APPROVAL OF MINUTES: ► *November 16, 2016*. **MOTION** to **Approve** the November 16, 2016 meeting minutes by **Mercer**. **SECOND** by **Padula**. **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: ► *Swearing in of Police Officers*. ■ Police Chief Thomas Lynch thanked the Town Council and Town Administrator for allowing him the opportunity to recognize two new hires. He provided background and career information for John F. Flynn and Tara E. Souza. ■ Teresa Burr, Town Clerk, performed the swearing in of John Flynn, Patrol, and Tara Souza, Patrol.

Chairman Kelly called a two-minute recess.

► **Recognition**. ■ Police Chief Thomas Lynch provided information about an occurrence during the past week. Officer Marguerite responded to a call from parents whose daughter had a concussion; they were experiencing noise from landscapers with leaf blowers. There was no violation, but Officer Marguerite did not want the noise to continue to bother the family, so he asked the landscapers to use the leaf blowers on the other side of the building while he raked by hand the leaves closest to the family's home. This story appeared on the news and on Facebook. This shows the great job done by Officer Marguerite.

► **Proclamation for David Harrison Down**. ■ Mr. Andrew Bissanti, Town Council member, presented Jason Down and his mother, Marjorie Down, a proclamation on behalf of David Harrison Down. Mr. David Down served in the U.S. Navy, served his community, demonstrated civic responsibility, was an active member of the Episcopal church, and a member of the American Legion and National Wildlife Association. He is commended for a life well-lived and recognized by the Town Council of the Town of Franklin. ■ Mr. Jason Down thanked the Town Council for their recognition of his father.

CITIZEN COMMENTS: *None*.

APPOINTMENTS: *None*.

HEARINGS: ► **Tax Classification Hearing**. **MOTION** to **Open** the public hearing by **Jones**. **SECOND** by **Dellorco**. **No Discussion**. **No Vote Taken**. ■ Mr. Nutting stated the Board of Assessors is present and will provide a presentation of the tax classification. ■ Ken Norman, Chairman, Board of Assessors, Chris Feeley, Board of Assessors member, and Kevin Doyle, Director of Assessing, addressed the Town Council. Mr. Norman stated all Council members received informational documents and information is also online for citizens to view. If the Town Council accepts the single tax rate the taxes for the Town will go up \$.08 to \$14.58. ■ No Council members or citizens had questions or comments. ■ Mr.

Nutting stated if this were to pass the average tax bill would be \$6,004; the average value is \$411,800. He stated this is a 3.5 percent increase from last year. He noted that this is an average and every home is different. **MOTION to Close** the public hearing by **Vallee. SECOND by Mercer. ► VOTE: Yes-9, No-0.** ■Mr. Nutting stated there are four resolutions to be voted on. ■Chairman Kelly suggested moving the resolutions up on the agenda; Council members agreed.

LEGISLATION FOR ACTION (*items taken out of order from agenda*):

1. **Resolution 16-67: Classification Tax Allocation – Residential Factor.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-67 for Classification Tax Allocation – to set the Residential Factor at 1.000000 by **Mercer. SECOND by Jones. Discussion:** ■Mr. Nutting stated this has a long history and tradition in Franklin. **► VOTE: Yes-9, No-0.**
2. **Resolution 16-68: Classification Tax Allocation – Open Space Exemption.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-68 for Classification Tax Allocation – that there not be an exemption for Open Space by **Mercer. SECOND by Dellorco. Discussion:** ■Mr. Nutting stated traditionally the Town Council has voted on the next three resolutions not to do that because it shifts the tax burden to other folks. He stated the Board of Assessors recommends this as well. **► VOTE: Yes-9, No-0.**
3. **Resolution 16-69: Classification Tax Allocation – Small Business Exemption.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-69 for Classification Tax Allocation – that there not be an exemption for Small Businesses by **Mercer. SECOND by Dellorco. Discussion:** ■Mr. Nutting stated he had the same comment. ■Mr. Feeley stated they agreed the burden should not be shifted. **► VOTE: Yes-9, No-0.**
4. **Resolution 16-70: Classification Tax Allocation – Residential Property Exemption.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-70 for Classification Tax Allocation – that there not be an exemption for Residential Property by **Mercer. SECOND by Dellorco. No Discussion.** **► VOTE: Yes-9, No-0.**

LICENSE TRANSACTIONS: ► 2017 Annual Alcoholic Beverages Licenses Renewals. ■Mr. Nutting stated this is not a public hearing; it is just administrative. ■Ms. Pfeffer read the list of all 2017 Annual Alcohol License Renewals and the license renewals currently on hold. All establishments have been inspected. It is noted the establishments that have not passed Fire or Building or Board of Health inspections and those that owe funds to the town. **MOTION to Approve** the renewal of the alcoholic beverages licenses listed on the attached Renewal List for the year 2017. Licenses that have fees or inspections outstanding to the Town are to be held in the Town Administrator's Office until outstanding items are corrected by **Pfeffer. SECOND by Mercer. Discussion:** ■Mr. Jones confirmed that an establishment's current license is effective through the 31st. They have until the end of the month to clean up whatever the hold is for. ■Mr. Cerel stated the license must be physically displayed on the premises. ■Mr. Nutting, in response to Council members' questions, stated that most establishments come in and pay before the end of the year. If not, there would be a formal process before a business could lose their license. He noted this is not an unusual number of holds. ■Mr. Cerel stated if a license were rescinded it would then become available. **► VOTE: Yes-9, No-0.**

PRESENTATIONS/DISCUSSIONS: ► Franklin Advisory Committee. ■Larry Benedetto, Chairman Franklin Advisory Committee; Jeffrey Roy, Massachusetts State Representative; and Robert Ficco, Former Massachusetts State Representative, addressed the Town Council to provide an update of Franklin's historic properties and The T. Mr. Benedetto stated he had a conversation with Mr. Nutting about the significant expense if and when they start taking better care of the town's historic properties. He

discussed the church that has been boarded up for five to six years; it is a significant property as is the Brick School. He stated that unless there are specific uses and revenue stream it will be difficult to do what they would like to do. The Advisory Committee would like to work with the Town Council to come up with ideas and suggestions for historical preservation and include Representative Roy to see if there are some historical grants available. Regarding the train station, apparently, there is grant money out there. He stated he thinks it is essential to go to the top, the governor's office. There is a significant T-budget for maintenance and repair and would like to see the T-station restored to what it was. He noted how difficult it is to deal with the T-people. He stated the property at Rt. 140/Rt. 495 should come back to the Town of Franklin; this should be discussed in the near future. ■Rep. Roy spoke about the T-station. He has had three meetings over the last month with Keolis; they have talked about the future of the train station. He is looking to the Town Council for direction on how they would like to proceed and use the land and restoration. He discussed various ideas about the train station development and gave example of how Falmouth is working on their train station. He noted that any work to be done requires ADA compliance; the current building is not ADA compliant and the current stairs would require an elevator. He said folks from The T could come in and talk with the Town Council. He mentioned the possibility of a double rail and the town taking over the space with a public/private partnership. He said he would set up a meeting. ■Mr. Nutting stated that as soon as more than 30 percent of the value of a building is spent, ADA compliance kicks in. He suggested that meeting with The T to hear their issues and concerns would be a great way to start. ■Mr. Ficco suggested the Town Council should decide what they want and then shoot for the moon; there is money for certain projects. ■Town Council members asked questions and discussed items regarding ADA compliance, fixing the existing line, a double track, ridership on the Franklin line, how the Falmouth Economic Development Corporation works, the 180 current parking spots, and the need for a parking garage. ■Chairman Kelly requested Rep. Roy set up a meeting with the T-people and another meeting with MassDOT regarding the Rt. 140/Rt. 495 property.

SUBCOMMITTEE REPORTS: *None.*

LEGISLATION FOR ACTION (*continued*):

5. **Resolution 16-58: Request for Legislation – Exempting all Positions in the Fire Department from Civil Service Law – Remove from Table. MOTION to Remove from Table by Jones. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-58 for Request for Legislation – Exempting all Positions in the Fire Department from Civil Service Law by **Mercer. SECOND by Dellorco. Discussion:** ■Mr. Nutting stated this is not a new issue; it is time to make a decision. We have had ongoing discussions with the Union; we are not in agreement on this matter. However, we do maintain a good working relationship with them. ■Gary McCarraher, Fire Chief, addressed the Town Council regarding Civil Service hiring and promotions. He stated the process can be made quicker. Civil Service has gotten the town great people. They need to continue to get great people, but it needs to be done in a timelier fashion; that is why he supports this. It is time to move on from this system and go to a system that is more timely in regards to hiring and promotions. ■Chuck Allen, president of the Franklin Firefighters Association, Franklin firefighter for 17 years, and Franklin resident addressed the Town Council. He stated the fire department as a whole from the Union side does not agree with leaving the Civil Service; they feel it is the fairest system. They have negotiated a replacement mechanism for the promotion side, but it does not fix the hiring side and would make it more difficult. Civil Service does a better job than what it could be replaced with. ■Mr. Nutting stated this is a policy decision. It takes months to get people hired. He and Chief McCarraher have looked at this together and listened to what the firefighters had to say. He thinks hiring can be addressed in a fair and equitable way and make the process faster. Current Civil Service list would be honored. Have had Civil Service in fire department since approximately 1950. ■Town Council members asked questions and discussed the Civil Service process. ■Mr. Dellorco stated he supports Civil Service. He does not understand why it takes so long

to hire people. He called other towns and it does not take them so long. Where is Civil Service being at fault? There is no other town with Franklin's population that is out of Civil Service. He noted Fall River came out of Civil Service two years ago and then went back. He stated he has a signed petition from all the firefighters and they want to keep Civil Service. ■Mr. Nutting stated the new test would still be paid for by the applicant; the promotional exams would be paid for by the town. The new plan would provide more opportunities to get applicants than just the Civil Service list. ■Chief McCarraher said there are six current openings. This would provide a better way for hiring and promotions. They are trying to reduce the time to get new hires in the door. ■Ms. Pfeffer stated she supports Civil Service. ■Mr. Jones suggested further discussion with administration and unions. ■Mr. Bissanti stated that if the firefighters want to keep it, they should be kept happy as they are first responders. ■Mr. Padula said both sides make compelling arguments. His decision will be based on significant vetting. ■Mr. Mercer stated he has gone back and forth and is trying to look at the larger picture; it is a difficult decision. He noted many groups in the town have moved away from Civil Service since it began in 1950 and there have been no issues. ■Chairman Kelly said he has met with everyone about this and they need to put this issue to rest. He clarified that a Yes vote would send a petition to the legislature that would then take up the matter. A No vote would leave it as it is currently. ► **ROLL CALL VOTE:** Bissanti-NO; Dellorco-NO; Jones-NO; Kelly-YES; Mercer-YES; Padula-NO; Pellegrini-NO; Pfeffer-NO; Vallee-YES. ► **VOTE: Yes-3, No-6, Absent-0.** ■Mr. Nutting thanked the men and women of the fire department; many thank you notes have been received for the great work they do in town.

6. **Resolution 16-71: 2017 Schedule of Town Council Meetings.** ■Chairman Kelly requested a date change from March 15th to March 22nd. Ms. Pfeffer read the resolution. ►Mr. Padula stated he had a conflict with September 27th; September 20th was suggested. **MOTION to Move Resolution 16-71, 2017 Schedule of Town Council Meetings as amended by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0.**
7. **Resolution 16-72: Legal Notices.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 16-72 Legal Notices by Mercer. SECOND by Padula. Discussion:** ■Mr. Nutting stated it is a legal requirement and it is the only paper that we have. By law it must be done this way. He noted the town pays approximately \$30,000 per year to the Milford News for all the legal notices. ► **VOTE: Yes-9, No-0.**
8. **Resolution 16-73: Acceptance of Grant of Utility (Drainage) Easement on Property at 9 Mackintosh Street, Franklin.** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 16-73 for Acceptance of Grant of Utility (Drainage) Easement on Property at 9 Mackintosh Street, Franklin by Jones. SECOND by Dellorco. Discussion:** ■Mr. Cerel requested a typographical error in paragraph two line five be corrected from "(Sewer)" to "(Drainage)." **MOTION to Move Resolution 16-73 for Acceptance of Grant of Utility (Drainage) Easement on Property at 9 Mackintosh Street, Franklin as amended by Jones. SECOND by Dellorco. Discussion:** Mr. Nutting stated the town had put in a pipe on private property and did not get an easement; this will allow an easement. The pipe has failed and this allows the town the right to go on the property to fix it. He noted the land owners agree to this. ► **VOTE: Yes-9, No-0.**
9. **Resolution 16-74: Declaration as surplus and available for Disposition (Ground Leasing) and Authorization Therefore of a Portion of Town-Owned Land off Forge Hill Road.** **MOTION to Waive the reading by Jones. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0.** **MOTION to Move Resolution 16-74 for Declaration as surplus and available for Disposition (Ground Leasing) and Authorization Therefore of a Portion of Town-Owned Land off Forge Hill Road by Mercer. SECOND by Padula. Discussion:** ■Mr. Nutting stated this would allow Franklin Cable to put their radio antenna abutting or next the Forge Hill water tank that we own and enter a 30-

year lease to do that. The win for the town is that we will be able to relocate our police and fire antennas from American Tower which we pay \$12,000 per year and put it on Franklin Cable's tower for free. It requires 2/3 vote. ■Mr. Jones stated that on behalf of the Communications liaison position he has, it is a win-win for the town. Franklin TV is looking forward to opening their first radio station, 102.9. ► **VOTE: Yes-9, No-0.**

10. Resolution 16-76: Appropriation – Technology – Google Applications. Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-76 for Appropriation – Technology – Google Applications for \$45,000 by **Mercer. SECOND by Padula. Discussion:** ■Mr. Hellen stated this is for the purchase of licensing and consulting for migration of all Town staff from First Class email to Google. The goal is to get Town, Police and Schools to Gmail by July 2017. This will also enhance public records compliance. Town Council members will also receive Gmail accounts. ► **VOTE: Yes-9, No-0.**

11. Resolution 16-77: Appropriation – Turf Field Design & Development. Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-77 for Appropriation – Turf Field Design & Development for \$60,000 by **Mercer. SECOND by Padula. Discussion:** ■Mr. Nutting stated a few weeks ago there was a meeting to discuss moving ahead with designing the replacement of the field at Beaver Pond Recreation Area field and the field and track at the high school which are 12 to 13 years old. The intent of meeting was to determine materials that could be used for infield. He stated they would like money now to start the bid process and be ready when school gets out to get fields done over the summer. ■Ms. Kim Drake of CDM Smith addressed the Town Council with a slide show and stated the fields do need to be replaced due to the shape they are in. She presented an overview of the replacement process to remove, regrade and install the new turf. CDM Smith is recommending encapsulated SBR rubber. She responded to Town Council members' questions. This is relatively new material, about four to five years. The life expectancy is similar; fields usually last about 8 to 10 years. She thought the underlayment of the high school fields was in good shape; it may need a leveling layer after the top is ground off. There are many alternatives which range in price such as sand based and other fibers, but beyond rubber materials some require refilling or irrigation and are costlier; therefore, she recommended the coated rubber. ■Mr. Brutus Cantoreggi, Director of Public Works, stated that this material requires the same maintenance plan as current; therefore, he would not need to ask for more money for long-term care. ■Mr. Nutting stated the town has been planning and saving and has up to \$870,000; this is about three-quarters of the cost and will continue to put money aside as ten years goes by quickly. He noted they have a third field now to maintain and plan for which is only two years behind these. In response to Ms. Pfeffer remarks, he noted the resolution should be amended to state both the High School Turf and Track and Beaver Street fields. **MOTION to Amend** Resolution 16-77 for Appropriation – Turf Field Design & Development for \$60,000 to include wording High School Turf and Track and Beaver Street fields by **Jones. SECOND by Dellorco. No Discussion.** ► **VOTE (to amend wording): Yes-9, No-0. MOTION to Move** Resolution 16-77 As Amended for Appropriation – Turf Field Design & Development for \$60,000 by **Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0.**

12. Resolution 16-78: Appropriation – Technology – E Permitting. Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-78 for Appropriation – Technology – E Permitting for \$35,000 by **Mercer. SECOND by Dellorco. Discussion:** ■Mr. Hellen stated the request for \$35,000 is to begin implementation of E-permitting software pilot project with the Town Clerk's Office for dog licensing, DBA's and vitals. Would like this to be up and running in January. ► **VOTE: Yes-9, No-0.**

13. Resolution 16-79: Acceptance of Gift – Council on Aging. Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-79 for Acceptance of Gift – Council on Aging by **Mercer.**

SECOND by Padula. **Discussion:** ■Mr. Hellen stated this is for acceptance of a \$250.00 gift.
► **VOTE: Yes-9, No-0.**

14. Bylaw Amendment 16-778: Chapter 160, Taxpayers, Delinquent – 1st Reading (Motion to Move Bylaw Amendment 16-778 to a 2nd Reading (majority)). **MOTION** to Waive the reading by Pfeffer. **SECOND** by Dellorco. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** **MOTION** to Move Bylaw Amendment 16-778: Chapter 160, Taxpayers, Delinquent to a 2nd Reading by Mercer. **SECOND** by Dellorco. **Discussion:** ■Mr. Nutting stated this was brought forth by the treasurer. ■Mr. Jim Dacey, Treasurer-Collector, addressed the Town Council and stated the Municipal Modernization Act expanded collection remedies for tax collectors. Chapter 40, section 57 was amended; as a result, the Town has to amend Chapter 160 to include the changes. ► **VOTE: Yes-9, No-0.**

TOWN ADMINISTRATOR’S REPORT: *None.*

FUTURE AGENDA ITEMS: ► Mr. Jones asked about the private well water ban use. ► Mr. Nutting stated he was going to ask the Chairman that it be put on the next agenda. ► Chairman Kelly said it would be on for the second meeting in January. ► Ms. Pfeffer stated there used to be a joint workshop with the Town Planning Department, the Town Planning Board, and the Town Council. Perhaps it could be done after the first of the year. ► Mr. Vallee asked if the train station could be put on an agenda for discussion. ► Chairman Kelly suggested it be put on for the second meeting in January.

COUNCIL COMMENTS: ► Ms. Pellegrini reiterated the good work done by Officer Marguerite. ► Mr. Padula and Mr. Dellorco both stated this is the good person Officer Marguerite is. ► Mr. Bissanti invited everyone to come and see the play *Humbug*. ► Ms. Pfeffer questioned if sand was used during snowstorms and if snow would be dumped at Fletcher Field. ► Mr. Nutting stated salt is used. The plan is that the snow will go to Washington Street. He said he would double check with DPW to make sure there is no water or water resource district there.

EXECUTIVE SESSION: *None.*

ADJOURN: **MOTION** to Adjourn by Mercer. **SECOND** by Dellorco. **No Discussion.** ► **VOTE: Yes-9, No-0.** Meeting adjourned at 9:12 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary