

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
February 15, 2017**

A meeting of the Town Council was held on Wednesday, February 15, 2017 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones, Matthew Kelly, Peter Padula, Deborah Pellegrini, Judith Pond Pfeffer, Robert Vallee. Councilors absent: Thomas Mercer. 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: *February 1, 2017.* ► **MOTION** to **Approve** the February 1, 2017 meeting minutes by **Jones**. **SECOND** by **Dellorco**. **No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

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. Ralph Delucia, 15 Old Forge Road, which is off Grove Street stated he was born and raised in this town. Friday night he tried to gain access to his home, but the town had only plowed half of the street. He had to park at a building at the top of the hill and walk home. Later the same evening a car got stuck in the snow on the street and had to be towed out by AAA. The Town Council could vote to have this road a statutory private way thereby relieving the town of maintenance, but retaining access. He stated the DPW has the road listed as unacceptable. He stated the DPW must plow as long as there are three houses on the road. The street is used by Iron Mountain, Gentle Giant Movers and others. He would like to have the road approved and stop playing games.

APPOINTMENTS: ► *Design Review Commission.* Ms. Pfeffer read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of James Bartro to serve as a member of the Design Review Commission, with an expiration of June 30, 2019 by **Pfeffer**. **SECOND** by **Jones**. **No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

LEGISLATION FOR ACTION:

1. **Resolution 17-06: Appropriation: Animal Control – Prior Year’s Bill (Motion to Move Resolution 17-06 – 4/5 vote).** Ms. Pfeffer read the resolution. ► **MOTION** to **Move** Resolution 17-06: Appropriation: Animal Control – Prior Year’s Bill for \$315.00 by **Pfeffer**. **SECOND** by **Jones**. **Discussion:** ► Ms. Cindy Souza, Animal Control Officer, stated she ordered a microchip scanner last April, but she was unable to print the bill from the email. A printed bill was requested, but never arrived. She had forgotten about it until the demand bill was received. ► **VOTE: Yes-8, No-0, Absent-1.**

2. **Resolution 17-07: Local Acceptance of Amended Provisions of G.L. Chapter 40, Sections 22A, 22B, and 22C (Motion to Move Resolution 17-07 – majority vote (5)).** Ms. Pfeffer read the resolution. ► **MOTION** to **Move** Resolution 17-07: Local Acceptance of Amended Provisions of G.L. Chapter 40, Sections 22A, 22B, and 22C by **Jones**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Nutting stated this keeps in place what the town has been doing for decades, but because of the new law it has to be reauthorized. That means all the money from permits, etc., would continue to go into

the fund that can be built up and used for purchase or lease of a parking area or make improvements; there is money set aside. ► **VOTE:** Yes-8, No-0, Absent-1.

3. ***Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions – 2nd Reading (Motion to move Zoning Bylaw Amendment 17-779 – Roll Call – 2/3 majority vote (6)).*** Ms. Pfeffer read the zoning bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions by Jones. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated this and the next four resolutions all relate to zoning recreational marijuana in the existing medical marijuana zones on the west side of Rt. 495 in preparation for the new law to take effect in July 2018. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-8, No-0, Absent-1.**
4. ***Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated – 2nd Reading (Motion to move Zoning Bylaw Amendment 17-780 – Roll Call – 2/3 majority vote (6)).*** Ms. Pfeffer read the zoning bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated by Jones. SECOND by Padula. Discussion:** Mr. Nutting stated same comment. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-8, No-0, Absent-1.**
5. ***Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map – 2nd Reading (Motion to move Zoning Bylaw Amendment 17-781– Roll Call – 2/3 majority vote (6)).*** Ms. Pfeffer read the zoning bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map by Jones. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated same comment. ► Mr. Jones asked where the numbers for the distances come from. ► Mr. Taberner confirmed 500 ft. from a school and 200 ft. from residential. ► Mr. Bissanti referenced that the other overlays of medical marijuana and distribution rather fit the industrial area. But, he stated that this is a retail component of marijuana, therefore, could the town be challenged for denying and relegating it to the industrial area. ► Mr. Cerel stated this is not retail versus manufacturing; it is recreational versus medical marijuana. So, all that was done was to create one unified overlay district for both medicinal and recreational and all their aspects. He explained that for strictly retail sales, it is a minimum level of judicial review. ► Mr. Nutting stated that the intent of this zoning is to be prepared. Neither the legislature has done anything yet, nor has the Cannabis Commission been set up. One year from now, we will know the rules and regulations. If at that time, Town Council thinks the bylaw should be tweaked or changed, it will be up to the Town Council. At least starting off in a conservative position. ► Mr. Padula asked if the town's bylaws are stricter than the states, will the town's take precedence. ► Mr. Cerel stated need to look at recreational marijuana statute; it spells out what municipalities can do in terms of regulations. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-8, No-0, Absent-1.**
6. ***Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance Required – 2nd Reading (Motion to move Zoning Bylaw Amendment 17-782 – Roll Call – 2/3 majority vote (6)).*** ► **MOTION to Waive the reading by Jones. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance Required by Jones. SECOND by Dellorco. No Discussion.** ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-8, No-0, Absent-1.**

7. **Zoning Bylaw Amendment 17-783: Amendment to Chapter 185 Section 49 Marijuana Use Overlay District – 2nd Reading (Motion to move Zoning Bylaw Amendment 17-783 – Roll Call – 2/3 majority vote (6)).** ► **MOTION to Waive the reading by Jones. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Zoning Bylaw Amendment 17-783: Amendment to Chapter 185 Section 49 Marijuana Use Overlay District by Jones. SECOND by Padula. No Discussion.** ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-8, No-0, Absent-1.**

HEARINGS: ► **Zoning Bylaw Amendment 17-786: Storage Facility Bylaw.** ► **MOTION to Open the public hearing by Jones. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► Mr. Nutting stated the only intent of this bylaw is to relocate the ability to have a storage facility from Commercial to Industrial. Currently, there are two storage facilities in the Industrial Zone. This would allow a future expansion of storage facilities within that zone, but prohibit it in C2 which is generally up and down this strip of area here and an area around Rt. 495 by Joe's. Thought this was the highest and best use to save the good property for something that would bring more revenue, but allow storage where it already exists in two locations. ► Mr. Bissanti commended the administration for coming up with this. ► **MOTION to Close the public hearing by Vallee. SECOND by Jones. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

LEGISLATION FOR ACTION (Continued):

8. **Zoning Bylaw Amendment 17-786: Storage Facility Bylaw – 1st Reading (Motion to move Bylaw Amendment 17-786 to a 2nd Reading majority vote).** Ms. Pfeffer began to read the bylaw amendment. ► **MOTION to Waive the reading by Jones. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Bylaw Amendment 17-786: Storage Facility Bylaw to a 2nd Reading by Jones. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► **Water Presentation – Brutus Cantoreggi.** ■ Mr. Nutting stated last summer there was a serious drought. There was a request by some folks to put this on the agenda for discussion so the Town Council could determine if they wanted to change anything. ■ Chairman Kelly recognized that the request came from Mr. Jones. ■ Mr. Cantoreggi, DPW Director, and Ms. Laurie Ruzala, Water and Sewer Superintendent, addressed the Town Council. Mr. Cantoreggi provided a waterworks overview with background information about Franklin accompanied by a slide show presentation. He said they look at stormwater, wastewater and drinking water together. The town values the groundwater; they want to keep all the water they can in Franklin. He explained and discussed Sewer I & I, implementation of lining and sealing pipes, the Beaver Street Interceptor, stormwater, the Charles River, rain gardens, reconstruction of retention ponds, benefits of roadway reconstruction and reduction of pavement width, and 319 Grants. He continued his discussion of waterworks by reviewing water regulatory issues, implementation of water conservation plan, annual leak detection program, water main replacement program underway, increase in the cost of water, and average daily pumpage. He also reviewed concerns with the water system including the drought conditions, water use in 2016, iron and manganese issues, new treatment plant for Wells 3 & 6 at a cost of about \$6 million, new growth in town and new water demands, annual cost of water per resident, grant money received, and recent accolades. ■ Town Council members asked questions and engaged in discussion about topics such as, but not limited to, the following: current wells, finding water, new wells, it can take 10 years before getting a new well online, how much water can be pumped, how with wells that are not registered the ability to pump water can be taken away, DEP can reduce water withdrawal, location of wells, the town has 12 wells, how soon the new water treatment plant is needed, what is infiltration, Charles River, drought conditions, new water

meters for the public, will there be enough water in town with continued building, where will the town get the money for the well treatment plant, and the option of buying water from another town. ■Mr. Cantoreggi stated the new treatment plant is needed very soon, but will take two to three years to get it online; it has been started. ■Mr. Nutting stated it will need to be funded within 12 to 18 months. ■Mr. Cantoreggi stated he would not say the town is maxed out. But, he is concerned about the peak use times during the summer and it is necessary to be cautious. ■Mr. Nutting said the money would come from the rate payers. There is no doubt that they will be before the Town Council asking for a water rate increase. Will also look at a 20-year bond. He would not be surprised if the rate increase were somewhere between 10 to 15 percent. There has not been a rate increase in six years. He noted the town owns the land where the proposed water treatment plant will be located.

► **Discussion – Chp. 179: Water, Article VI Water Use Restriction and Ban.** ■Ms. Laurie Ruszala, Water and Sewer Superintendent, stated the bylaw revisions that were put forth included a few changes regarding the conservation measures and ban measures were defined a little better. In a drought, private wells could be included in the irrigation ban. She noted there are over 1,000 wells registered in Franklin with 700 listed as domestic use. Only about 225 are for irrigation only. So, this would only impact these private users during a full ban. Wrentham and other towns also have this type of restriction. ■Mr. Cantoreggi noted that when they town goes to a full ban, it only makes sense that they cannot water either as everyone is drawing out of the same aquifer; everyone is sharing the same water supply. This is only during extreme droughts; when the state mandates a full water ban they would have to follow along with their neighbors. He noted there was this past drought and another drought in 2007. He said that we are not a water ban town; we are a conservation town with a one-day water use. ■Mr. John Redwine, 9 Maple Tree Lane, asked about the restrictions on private wells as he has a private well. He is glad the decision has not already been made; he would look forward to more discussion on this. ■Ms. Monique Allen, 1 Christine Avenue, is a private well owner. She agrees that private well owners should follow the water ban. She questioned the provision in the proposal for an exemption from the provision for golf courses and for the Town of Franklin allowing for the protection of a public asset. She thinks this is a fundamental misalignment of values. She has a large lawn and is willing to let it go totally dormant and she thinks the Town and the golf courses should too. In addition, she thinks there is some misalignment in language in that in some areas it is talking about outside water use and irrigation and in other areas it specifically talks about lawns. She noted she was on the Conservation Commission for nine years. She worries about the horticultures. She would like to see a larger conversation about irrigation systems in general, and also look at construction in the town. ■Mr. Cantoreggi stated Franklin Country Club does not get their irrigation water from Franklin and there is no other golf course. ■Ms. Ruszala stated they are regulated through the State. ■Chairman Kelly asked her to find out where the Franklin Country Club wells are located: in Wrentham or Franklin. ■Mr. Cantoreggi stated that when the water ban went into effect, the town stopped watering at all municipal buildings, school areas, etc., except for sporting fields as they needed to be kept for athlete safety. ■Mr. Christopher Brady, 36 Kimberlee Avenue, stated the presentation was very good and he appreciates what DPW does for water conservation. He would like to defend private well owners as not part of the problem, but as part of the solution. They are not drawing from public water supplies which can be used for drinking water. He is not convinced that private wells are effecting public wells and would like to hear more about it. He has not seen proof that they are both drawing from common aquifers. He noted private wells are drilled very deep as opposed to the shallow public wells. He asked if including private wells goes against the Massachusetts law about absolute dominion rule which permits a private land owner to use ground water on his/her land. Adding private wells may expose Franklin to lawsuits. He stated that instead of making new regulations, the town should enforce the rules they already have. Many people without private wells seem to be watering their lawns illegally; maybe a town employee should drive around and note those that are breaking the law. ■Mr. Curtis Patalano, 11 Newell Drive, stated he also has a private well and agrees with the two gentlemen that just spoke. He does not think it is necessary to regulate the 225 private wells. ■Mr. Bissanti stated he does not think the private well use is much overall and probably is not contributing substantially to the water

problem. He noted that there are many things that do not get enforced in town and he cannot see how enforcement of the private well use will get done. He has a well also; it was very expensive. ■Ms. Ruszala stated that the main complaint from residents was why the well owners got to water their lawns and they did not. ■Mr. Dellorco stated he agreed with Mr. Bissanti; he does not see a problem with the private wells. ■Mr. Jones stated they are not out to regulate the world to death. He stated it is almost impossible to catch every person watering their lawns. This boils down to a thorough basic education of what people should and should not do in these types of situations. Even discussing this tonight helps to move forward with people having a clearer understanding of what the town's capacities are and what people have in terms of private wells. He would like to see, in terms of education, having a clearer understanding of what the drought levels mean and why restricting water use can have a positive effect for the town and personal use. He asked what is the foreseeable level of drought in the next six months. ■Ms. Ruszala said they cannot predict the future, but even with a lot of rain, it would take a long time for the deficit to be restored. ■Mr. Cerel stated the private wells can be regulated and some towns already have done so. ■Mr. Nutting stated that even if the Town Council does not move forward with the regulation of the private wells, he asked if the people in the room would oppose the idea of posting that they have a well. It would make the enforcement easier. ■Mr. Cantoreggi stated they do send people out at night to do water enforcement. Violators get a warning first as it is public education first. He does not like being the water police, but they do it; they gave out hundreds of warnings last year. They are actively out and trying to educate. ■Chairman Kelly stated he did not agree with restrictions on private wells. He agreed with private well signs and rain sensors on irrigation systems. ■Mr. Cerel stated that the bylaw being discussed includes private wells, but it is a rewrite and tightening up of the process; he advised going forward with the bylaw even if going to omit private wells.

SUBCOMMITTEE REPORTS: *None.*

TOWN ADMINISTRATOR'S REPORT: *None.*

FUTURE AGENDA ITEMS: ► Ms. Pellegrini asked if this was where she should talk about the resident who did not get his road plowed. ► Chairman Kelly stated Mr. Nutting would get back to the Town Council on this and it would be put on the agenda and talked about at the next meeting.

COUNCIL COMMENTS: ► Ms. Pellegrini thanked the DPW for their long hours and good work. ► Mr. Padula told Mr. Cantoreggi it was a good job on the snow removal. He read a statement about teachers and coaches describing what is learned in school from teachers and coaches. ► Mr. Vallee suggested a presentation by the water expert mentioned by Mr. Cantoreggi. ► Mr. Cantoreggi stated he thought the person had retired, but he would try to reach out to him. ► Mr. Jones thanked everyone that came out tonight at the Fire Department for the presentation of CPR and Narcan training by the SAFE Coalition. Congratulations to the Patriots for winning the Superbowl. ► Mr. Dellorco stated that on the morning of the bad ice, he had gone to work at 4:30 AM and there was nothing on the roads. The ice came fast. ► Mr. Bissanti stated great job to Mr. Cantoreggi. He stated he still thinks the town has an archaic notification system. He cannot believe the schools did not have at least a two-hour delay that morning. He commended Mr. Cantoreggi on tonight's presentation. ► Ms. Pfeffer stated there were a few complaints about the sidewalks around Davis Thayer School not being plowed and kids were walking on the street. She stated she has heard there is a place in Milford, Compassion New England, that will help and assist homeless people. She stated the town needs to implement some kind of rules for the Library and the Senior Center; the town has many groups using these facilities and the people need to be able to sell what they are creating such as paintings, books, and garden club creations. These are Franklin clubs and organizations; it has to be welcoming and open and allow these people to make some money. ► Chairman Kelly stated the town workers did a great job on the roads, but the people higher up could have made some better choices regarding the flash-freezing ice situation. He stated that it is very important that Mr. Cantoreggi communicate with the nine Town Council members as to what is going on as the Town

Council members get many calls from citizens and they are elected by the citizens. The Town Council members need to get more information. ► Mr. Cantoreggi stated they watch the weather all the time; there was no indication that it was going to freeze. Even DOT did not know. He stated that at times he has been accused of giving too much information and using the All Call system too much. ► Chairman Kelly stated it would have only taken Mr. Cantoreggi a few minutes to send all nine Town Council members an email about the flash freeze and what they were doing about it. He stated that he wants better communication; the Town Council members get so many calls from residents. ► Mr. Cantoreggi stated they should talk offline about expectations.

EXECUTIVE SESSION: *Potential Purchase of Land at 0 Washington Street (Exercise of Town's Right of First Refusal – Discussion Only)*. MOTION to Move that Town Council enters executive session for discussion to consider the purchase, exchange, lease of value of real property by Pfeffer. SECOND by Dellorco. ► ROLL CALL VOTE: Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. ► VOTE: Yes-8, No-0, Absent-1.

Town Council Meeting Public Session ended at 9:02 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary