

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
January 18, 2017**

A meeting of the Town Council was held on Wednesday, January 18, 2017 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: December 7, 2016, December 21, 2016, January 4, 2017. ► **MOTION** to **Approve** the December 7, 2016 meeting minutes by **Mercer. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to **Approve** the December 21, 2016 meeting minutes by **Mercer. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to **Approve** the January 4, 2017 meeting minutes by **Mercer. SECOND** by **Dellorco. 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 Fire Fighters.* ■ Fire Chief Gary McCarraher introduced three new firefighters that will be serving the community: Becki Carloni, Katherine Forest, and Andrew Morris. He provided brief background and career information for each. ■ Teresa Burr, Town Clerk, performed the swearing in of Ms. Carloni, Ms. Forest, and Mr. Morris. ■ Significant people in their lives pinned on their badges of office. ■ Mr. Nutting stated the chief has recommended and we are processing the paperwork for four additional firefighters/paramedics; it will take about another month or so to work through. ■ Chairman Kelly welcomed the new firefighters and stated the Town was proud to have them.

Chairman Kelly called a two-minute recess.

CITIZEN COMMENTS: *None.*

APPOINTMENTS: ► *Finance Committee.* Ms. Pfeffer read the appointment. ► **MOTION** to **Appoint** David Wiech to serve as a member of the Finance Committee with an expiration of June 30, 2017 by **Pfeffer. SECOND** by **Mercer. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: *None.*

LICENSE TRANSACTIONS: ► *99 Restaurant, Change of Manager.* Ms. Pfeffer read the license transaction. ► **MOTION** to **Approve** the request by 99 Restaurants of Boston for a change of manager to Asta Hodge by **Pfeffer. SECOND** by **Jones. Discussion:** ■ Mr. Nutting stated all the paperwork was in order and Ms. Hodge was present to answer any questions. ■ In response to a question, Ms. Hodge stated she had held a previous license at the 99 Restaurant in Seekonk. ► **VOTE: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► *Communications and Civic Engagement.* ■ Mr. Glenn Jones, Town Council Member and Communications Liaison, and Mr. Jamie Hellen, Deputy Town Administrator, addressed the Town Council and narrated a slideshow presentation. Mr. Jones noted the

task of the committee is to improve communications between the town administration and the community. He stated he worked and met regularly with Mr. Hellen, Peter Fasciano of Franklin TV, Steve Sherlock of Franklin Matters, and others. ■Mr. Hellen reviewed various communications and civic improvements made in 2016 and the goals for 2017. He reviewed challenges such as the fragmented information network, high expectations in wanting answers to everything right away, staff time constraints, varying levels of proficiency and interest in technology, and patience. He stated he met with many individuals for input and began a draft Communications & Civic Engagement Master Plan. Goals and accomplishments for 2016 included increase coordination and expand outreach and increase social media presence. Other achieved goals have been to provide Town Council “Action Taken,” maintain website content, complement Franklin TV’s programming with monthly news magazine, and develop strategic technology infrastructure plan. He reviewed the 2017 goals and strategies which he stated were mostly the same as 2016, just with different ideas. For instance, he wants to do a welcoming letter from the Town Council to new homeowners in town welcoming them to the community. He stated all the town departments do a great job with outreach and he would like to increase social media presence by 25%. Will continue to look at and update website as well as collaboration with Franklin TV. The big challenge this year will be the transition from current email system to Google. He reviewed the e-permitting system and some of the new features on the website. He noted that the real objective was to get to a point that people could search through Google for just about anything. ■Mr. Peter Fasciano, Franklin TV, discussed some programming at Franklin TV including the *Franklin Almanac* and the radio station. He created *Franklin Almanac*, similar to Channel 5’s *Chronicle*. He has hired one full-time and two part-time employees. He noted Franklin TV has the ability to promote profit-making businesses provided they do not sell anything. He stated a good local economy is good for everyone; therefore, he makes sure they do what they can to help local businesses. ■Ms. Polikseni Manxhari, Franklin TV journalist, provided information on her background. She stated her goal as host of *Franklin Almanac* is to provide information about the Town of Franklin. ■Mr. Jones thanked everyone who helped this year; it has been a great year for what was accomplished. He hopes everyone tunes into Franklin TV and the new Franklin public radio station which will be available 24/7 with about an eight-mile radius. ■Ms. Pfeffer mentioned that not all senior citizens have social media access, and asked how is this information getting out to them? ■Mr. Hellen stated Karen at the Senior Center does a great job with the Senior Connection newsletter. He recognizes that not everyone is connected through social media, that is why the print media in this area such as Milford Daily News and Gazette are important. Also, Franklin TV is available as well as the Franklin radio station. ■Mr. Vallee stated he is very impressed with what has been accomplished. ■Mr. Mercer confirmed there will be a TV at the Senior Center. There are also 20 computers at the Senior Center and they teach seniors to use social media. ■Mr. Padula stated Mr. Fasciano is second to none. ■Mr. Dellorco stated they are doing a great job. ■Mr. Jones stated they are all doing their best and invited the community to be engaged and take advantage of all that is available.

SUBCOMMITTEE REPORTS: *None.*

LEGISLATION FOR ACTION:

- 1. *Resolution 17-01: Acceptance of Gift to the Library (majority).*** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 17-01: Acceptance of Gift to the Library from Leonard S. French by **Mercer. SECOND** by **Dellorco. Discussion:** ■Chairman Kelly, on behalf of the Town of Franklin and the Town Council, thanked Mr. French for his generous donation. ► **VOTE: Yes-9, No-0, Absent-0.**
- 2. *Resolution 17-02: Acceptance of Gift to the Council on Aging (majority).*** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 17-02: Acceptance of Gift to the Council on Aging from the Fletcher Hospital Corporation by **Mercer. SECOND** by **Dellorco. Discussion:** ■Chairman Kelly, on behalf of the Town of Franklin and the Town Council, thanked them for their generous donation.

► **VOTE: Yes-9, No-0, Absent-0.**

3. **Resolution 17-03: Appropriation, Administration: GASB 45/75 Actuary Study (majority).** Ms. Pfeffer read the resolution. **MOTION to Move Resolution 17-03: Appropriation, Administration: GASB 45/75 Actuary Study, for the sum of \$9,000, by Mercer. SECOND by Dellorco. Discussion:** ■Mr. Nutting stated every two years it is required to do an actuarial study of the unfunded liability. It was last done in 2015; it will be done in 2017. A report will be made once the study is complete.
► **VOTE: Yes-9, No-0, Absent-0.**

Mr. Bissanti recused himself.

4. **Zoning Bylaw Amendment 16-775: Zoning Map Changes from Rural Residential I to Residential VII an Area on Summer Street – 2nd Reading (2/3 majority – Roll Call Vote).** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move Zoning Bylaw Amendment 16-775: Zoning Map Changes from Rural Residential I to Residential VII an Area on Summer Street by Mercer. SECOND by Padula. Discussion:** ■Mr. Nutting stated this is a citizen's petition, they are represented by counsel. ■Ms. Sally Winters, 486 Summer Street, stated that she understood the applicant needed to do a traffic analysis and asked why was that not done. She stated that when she first got the plan the access road was going to be next Bruce Hunchard's house; later the access road was shown to be alongside her driveway. She stated that as noted in her letter, her home is 50 ft. away from the lot line; her well is 35 ft. away from the lot line. She will be facing construction traffic day and night and will never have privacy again. She is concerned about the surface water affecting the wetlands; she is concerned about her well water. There is no justification to allow the rezoning in this Rural Residential zone. The proposed zoning singles out one parcel for the economic benefit of the owner. And, the owner of the property does not plan to use the rezoned property for himself, but to sell the property to a developer. She stated there is no comparison to the Cook's Farm rezoning and development situation; this is totally different. She has over 250 signatures of opposition. ■Chairman Kelly stated the traffic analysis would be done under the Planning Board; this is zoning. He noted that her water runoff and access issues would also be with the Planning Board. The Town Council does not have that authority. ■Dr. Vicki Bartolini, 850 Summer Street, stated she also collected names on a petition. She has lived there for 40 years. They chose to live there for the rural environment and intentionally chose not to live in a more developed area. They lived without town water, sewer and sidewalks to maintain this quality of life. She does not want to see Summer Street become like Upper Union Street. She reviewed the Master Plan updated from Dec, 27, 2016 which commented on open space and protection of ecological resources. By developing further along Summer Street, these very aspects of the Master Plan will be undermined. Is this right for our children and grandchildren in not protecting the green space? ■Ms. Kimberleigh Bearce, 493 Summer Street, explained they bought their land and moved to Summer Street as it was a much quieter area. She stated there is already too much traffic on Summer Street. Another 34 units is too much. Wildlife will be pushed out of their environment. Please think about what is best for the residents and not what is best for one or two people. Who is going to benefit from this? None of us from Summer Street and the area are going to benefit from this. This is not what members of the Town Council would want where they live in their neighborhoods. ■Mr. Kurt Lovell, 711 Summer Street, stated he spoke with many Town Council members and hundreds of Franklin residents about this rezoning. He stated it has been discussed that the Town is not at the 10 percent for low income housing. Most of the feedback he seemed to get from the Town Council is that they were in fear of what could go there. He fears that they are creating a monster in voting for this because it will invite any person who has five acres or more to come to the Town Council and ask to be rezoned to RVII or they will put in low-income housing. He requested the Town Council to vote No. Do we want to have spot-zoning all over Franklin or should the Town be more restrictive? ■Ms. Eileen Mason, 62 Beaver Street, questioned where is the need? Why does someone need to put 34 units in on 11 acres when they are already allowed to put about 7

units on 11 acres. Where is the need that this landowner has to put in 34 units and disrupt the entire community and the entire neighborhood? There is no reason to do it besides financial gain for the landowner. She requested the Town Council vote No. ■Mr. James Gianotti, 2 Woodchester Road, asked for clarification from the town attorney and Mr. Nutting. It was said at the last meeting that there was nothing the town could do if the developer decided to do 40B. He stated his research shows that year after year there have been towns going against the state in court and the overwhelming majority come to a no-decision; the town and the developer get together and figure it out. There are wins and losses, so we need a clearer definition than was provided last meeting that there was nothing that could be done if they do a 40B. He stated that if a Town Council member is a real estate developer and they vote on this tonight they are setting precedent for their market opportunity to grow which it is a conflict of interest. He suggested Mr. Vallee take over as chairman for this agenda item. ■Ms. Beth Wierling, 5 School Street, stated she would like to tell Ms. Pfeffer that her argument that the 40B is inevitable and it is going to happen and that it can be prevented if the Town Council votes Yes for this project is a poor argument because the town is not close to 10 percent; a 40B can go somewhere else. Whether the vote is yes or no, the town is still going to have a 40B issue which has not been addressed yet. The housing plan is out of date; the Master Plan is not encouraging this type of housing. She highly recommended they vote No on this. In addition, she stated that she had heard throughout the years many Town Council members indicate that they need to think of the greater good for the town and that when people don't come to meetings they think of that as people not being interested. But, there is a roomful of people here tonight telling the Town Council what they want. ■Mr. Richard Cornetta, attorney representing Mr. Mounir Tayara, Principal of Grandis Homes/applicant/potential developer of this property, stated through this process they have been listening to the Town Council's comments and the comments of members of the neighborhood that have spoken during the public hearing. They have had a meeting with the Town Administrator in which they discussed the sidewalk. Mr. Tayara has committed to extend the sidewalk 5,000 ft. so it will connect to King Street making a connection to the open space area and the downtown area. He said this would enhance one of the main tenets of the Master Plan which is to revitalize and enhance the downtown area. Public safety is a prevailing issue regarding traffic. He noted it was a heavily travelled road and a sidewalk would provide an asset to the neighborhood. He asked the Town Council to take that into consideration. He discussed the net positive benefit to the town each year at approximately \$250,000. ■Mr. Kurt Lovell, 711 Summer Street, asked if the \$250,000 the town is said to make each year is assuming that the families living in the 34 units are going to have no children and no schooling? ■Mr. Cornetta stated the calculations were based on .3 children per three-bedroom home. ■Ms. Kim Spelman, 6 Great Pond Road, stated that \$250,000 revenue is really a non-issue. Revenue is something already taken into consideration when the Master Plan was put forth and when zoning is put forth. If we are even going to consider revenue, then every inch of this town is going to be developed. It should not be an issue. ■Ms. Deborah Lovell, 711 Summer Street, asked the Town Council to please think about the residents of Franklin before they decide to do this. She stated everyone she talked to when she was out getting signatures could not believe the Town Council would let this happen. Please think about the residents. They put the Town Council members in because they thought the Town Council would think about the residents. Don't let the residents down. ■Ms. Brianne Sanders, 482 Summer Street, stated she has lived on Summer Street for less than one year, but they bought the house for the land, the country atmosphere and nature. She does not think they need a place to attract more people that want sidewalks and want to be close to town to walk to the train station. Summer Street is a special place; it doesn't all need to be concrete. ■Ms. Linda Rondeau, 5 Squibnocket Road, stated that 15 years ago when the area was redistricted, they were told there would be no free busing to school although there were no sidewalks on Summer Street for children to get to school safely. They were told by the administration that it was their job to get their children to school safely. Why were there no sidewalk provisions considered then, but when a developer comes up with this and wants to put sidewalks in, it is being considered? ■Ms. Paula Renkas, 744 Summer Street, resident for over 31 years, stated that every summer there is a water

shortage. On Summer Street, they all have their own wells and septic systems. She asked how are they going to put in 34 units on 11 acres with water and sewer provided by the town. Where is the water coming from? ■Ms. Pellegrini stated she spoke at the public hearing and the first reading, and she is in agreement with everything the citizens have said. She believes in treating people as you would want to be treated yourself. She stated the Town Council was elected to represent the citizens of Franklin. There are people here tonight who are passionate about their land, where they live, and why they moved to that area. She stated the town would not gain one thing by passing this tonight; the applicant would be the one that would gain from this. She is not opposed to the applicant building there; they can build 11 houses. She stated Town Council members would not like it if it was happening to them. She begged her fellow Town Council members to go along with the reasoning provided by the residents. ■Mr. Dellorco stated he has reviewed the land as well; he stated he believes Zone VII stinks. Something has to be done in this town to change it or re-do it. This is awful. He asked Mr. Nutting to answer the previous question about 40Bs and the water issue. Are we going to have enough water? ■Mr. Nutting stated that under the General Laws of the Commonwealth, the town does not have 10 percent of its housing stock as affordable as defined by the Commonwealth. Someone can develop a piece of property and usurp all zoning in the community until the town gets to 10 percent; currently the town is at 9.3 percent. Done right and proper they can be an asset to the community. Until the town does get to 10 percent, every piece of property in Franklin is exposed to the development of 40B. As far as water is concerned, the DPW continues to do work. He stated he does not foresee the water restrictions going away. They are looking at a \$6 million investment in a water treatment plant for Wells #3 and #6 in the next couple of years to ensure sufficient water. Cannot tell people what the weather will be such as the drought. Will continue to be vigilant on water consumption. He noted there are about 280 apartments going on about 20 acres in Franklin; the density is different for apartments, condominiums and single-family homes. ■Mr. Cerel stated there are other considerations with 40B: there is a lot of paperwork, there is a lot of state oversight, and there is a cap of 20 percent profit that the developer can make; that can be discouraging if looking to maximize profit. ■Mr. Padula asked if a 40B could go in regardless of the water situation. ■Mr. Nutting stated if there is water available, then there is no restriction. ■Mr. Dellorco stated it is Bruce's property and he is free to develop it. He stated the road was not going to go in next to Sally and that other direct abutters do not have a problem with the development. He stated he does not know if they can refuse this as he has more than five acres. ■Mr. French asked if this is put through, maybe this is what he should do with Maplegate Country Club: divide it into five-acre lots and put in thousands of houses and that is what can happen very quickly. He would probably never do it, but there are many other people in town that may divide up their land into five-acre lots and then what? ► **ROLL CALL VOTE:** Dellorco-NO; Jones-NO; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-NO; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-5, No-3, Absent-0. Fails.**

Mr. Bissanti re-entered the meeting.

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting stated the Massachusetts Municipal Association puts out a state-wide quarterly publication, *The Advocate*. One of the lead articles was about Franklin and the great work Mr. Hellen and the communications folks have done. He congratulated the hard work on this and other efforts put forth by Mr. Hellen in his year here. ► It is budget season and they are collecting budgets from department heads for review. He anticipates a budget that will be balanced, but they will begin to struggle. Does not think state aid will be very encouraging and health insurance across the country is a major issue; looking at significant increase, possibly \$1 million. Only receive \$2.7 million in new revenue each year. So, that is going to continue to be a challenge as well as OPEB and maintaining high quality services. Will collect all information and work with FinCom during the spring and deliver it to the Town Council. Foresee that 2018 will be all set, but 2019 will begin to be difficult struggle on the decision front for the Town Council as expenses may outpace revenues at that point. They will work hard with everyone.

FUTURE AGENDA ITEMS: ► Ms. Peffer stated she thinks the Town Council should re-look at Zoning VII. ► Mr. Nutting stated they were putting together a workshop. ► Ms. Pellegrini stated she would like to see something on the agenda for the old museum to be able to discuss uses.

COUNCIL COMMENTS: ► Mr. Mercer stated the Senior Center elevator was approved. ► Mr. Dellorco gave condolences to both the Cornetta family and the Tucci family for their losses.

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:41 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary