

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
March 13, 2019**

A meeting of the Town Council was held on Wednesday, March 13, 2019, at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Patrick Casey, Robert Dellorco, Melanie Hamblen, Glenn Jones, Matthew Kelly, Eamon McCarthy Earls, Thomas Mercer. Councilors absent: Peter Padula, Deborah Pellegrini. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Administrative Assistant.

**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. Nancy Cunningham, resident, requested the current bylaw regarding mailboxes damaged by snowplows be reviewed and updated. The current policy provides a \$45 reimbursement for a damaged mailbox. She stated that this amount is not feasible to replace a mailbox. She explained that during the March 4, 2019, snowstorm, her mailbox was struck and demolished by a snowplow snapping the granite post. She posted a photograph on the "All About Franklin" Facebook page. She learned this is a significant problem in the town. She stated that many mailboxes on Pond Street were demolished, as well; the town is supporting vandalism as the snowplows are going too fast. She requested the speed guidelines for the plows. ► Ms. Bryna Morehouse, 15 October Drive, requested that elementary school students receive more than 15 to 20 minutes of recess and more than 15 minutes for lunch in a six-hour day. She asked that the Town Council members look into the fact that for physical and mental health children need more recess and lunchtime. She has spoken to many parents regarding children bringing most of their lunch home as they do not have time to finish it during the lunch period. She said she has been giving evidence of this need to the schools and School Committee for more than six years. She provided information to the Town Council members regarding the amount of time allowed for recess, lunchtime, and snack time in nearby towns; Franklin is last. She stated that the budget is the cause for the short recess and lunch times. She suggested a meals tax to raise funds for education. She stated that over-building in town is causing a burden on the education system.

**APPROVAL OF MINUTES:** ► *January 30, 2019 and February 13, 2019.* ► **MOTION to Approve** the January 30, 2019 meeting minutes by **Dellorco. SECOND** by **Kelly. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-2.** ► **MOTION to Approve** the February 13, 2019 meeting minutes by **Dellorco. SECOND** by **Kelly. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-2.**

**PROCLAMATIONS/RECOGNITIONS:** ► *Swearing in of 5 New Police Officers.* ► Police Chief Thomas Lynch stated he would like to recognize one promotion and five new police officers. He stated that Detective Robert MacQuarrie has been promoted to sergeant. He reviewed his background and education. He introduced new police officers Lance Pickering, Timothy Trubiano, Daniel Hanley, Laura Canavan, and Cody Landry. He reviewed their backgrounds and education. ► Town Clerk Teresa Burr performed the swearing in. ► Chief Lynch introduced the new canine member of the police department, Ben Franklin. ► Town Council members welcomed the promoted sergeant, new police officers, and new canine member of the police department.

*Chairman Mercer called a three-minute recess.*

**APPOINTMENTS:** ► *Conservation Commission, Alan Wallach.* ► Mr. Jones read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Alan Wallach to serve as a member of the Franklin Conservation Commission with an expiration of June 30, 2021, by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Wallach stated he looks forward to getting involved in the town. ► **VOTE: Yes-7, No-0, Absent-2.**

► *Conservation Commission, Braden Rosenberg.* ► Mr. Jones read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Braden Rosenberg to serve as a member of the Franklin Conservation Commission with an expiration of June 30, 2019, by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Rosenberg stated he is excited to serve on the Conservation Commission. ► **VOTE: Yes-7, No-0, Absent-2.**

► *Historical Commission, Brock Leiendecker.* ► Mr. Jones read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Brock Leiendecker to serve as a member of the Franklin Historical Commission with an expiration of June 30, 2021, by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Leiendecker stated he is excited to join the Historical Commission. ► **VOTE: Yes-7, No-0, Absent-2.**

**HEARINGS:** *None.*

**LICENSE TRANSACTIONS:** *None.*

**PRESENTATIONS/DISCUSSIONS:** ► *FY20 Budget Fiscal Forecast.* ► Chairman Mercer thanked everyone for attending this evening and watching at home for this important discussion. He noted the Town Administration has been alerting all elected officials for several years that the town would soon be facing a structural budget deficit in the Town's Operating Budget. We are about to enter a multi-year budget problem if the status quo remains. With this in mind, he wanted to dedicate almost a full Town Council meeting to this. He invited the School Committee and Finance Committee. He stated that we need to begin a dialogue with the community. He noted that the memos and materials in the Town Council members' packets are available online for all to read. He asked Mr. Nutting and Mr. Hellen to give a quick synopsis of said memos and where the town stands. Then, he will ask the superintendent of schools to state where the School Department stands. After those comments, he will open the meeting to comments and questions from other town committees and the general public. He will then take comments from the Town Council members. ► Mr. Nutting provided a review of the history of Franklin's budget. He stated looking at the numbers, there will not be sufficient funds to keep the system running as is. He stated the driving forces are that the population is growing and getting older. There is increased demand for fire and police services, and there are school challenges. There are increasing demands and increased costs at all levels. There are fixed costs such as health insurance and pensions. This year they are affected by the expansion of the Charter School. He stated there is a lack of proper funding from the state when the Charter School expands. This is a burden that the town faces from a fiscal position. He discussed state aid and its lack of keeping pace; we need more education aid. He stated that the town is about \$2 million short for FY20 for a level-service budget. FY21 will not be any better as it will be double that. The time will come for a \$4 to \$5 million override to continue as a full-service community. ► Mr. Hellen stated that getting out this information to the community is important. We will probably just scrap by for FY20; FY21 is really where the challenge will be. Demands in services are rising every year. There is no quick fix in the current system with the budget gap. Overall, we are living in one of the best economies in years. The town's revenues are okay because of this. If the economy gets a ripple, the impacts will be significant. ► Dr. Sara Ahern, Superintendent of Schools, reviewed the School Department budget and explained some of her worries and concerns facing the department. She stated that the budget put together was for level-service and a few areas of critical needs that have been unable to be met over the last several years. The School Committee voted on and adopted the budget at last night's School Committee meeting. It is a 5.86 percent increase over FY19 at approximately \$67 million. She reviewed the budget history and some of the cost containment measures they have used. The revolving account funds were spent down and they are not there to support the budget now. Some of the major drivers and pressures are that enrollment has decreased but the needs of the students are more

complex. The percent of students on free and reduced lunch has increased. Statistically, 1 in 5 children are suffering from a mental health condition; we need to provide services to them. There are more children with special needs requiring services. She discussed the expectations from the state as to what is expected to be delivered within the school day. She stated that we are striving to keep up with technology. We need to focus on the whole child and not just their academic well-being. Schools are broader than education institutions. They are doing this in a highly competitive environment. Families have educational choices. The public schools need to make sure they are competitive. She noted the School Committee has been advocating for more funding from the state. The town does have athletic and transportation fees now. She stated that knowing there is a budget shortfall, she would be in a position to talk about ways to close the gap. It is painful to have to make those cuts. No decisions have been made, yet. There are more conversations to have with the School Committee. She reviewed the possibly of cutting services and positions, and raising fees.

► Chairman Mercer stated the concept of tonight's meeting was to get the Finance Committee, School Committee, and Town Council all in the same room to discuss the concerns we as a Town are looking at going forward. He stated this is early on in the process and these are not final decisions being made. It is important for all of us to know where we are as we move forward. This will help get the public involved and to understand where we are as a town, the issues we are facing, and some of the things that might have to happen in order to deal with the budget shortfall. ► Ms. Anne Bergen, Chair, School Committee, and Ms. Denise Schultz, Vice Chair, School Committee, addressed the Town Council. Ms. Bergen stated that as a committee they want to be as transparent as possible. She reiterated the mandates that are being forced on the schools; it is all wonderful, but the pressures are enormous. She said that we understand we are part of the community. We are going to work together. We are going to fight like crazy to educate the public to understand this. She said the citizens will choose. ► Ms. Shultz stated this is the fourth budget she has worked on as part of the School Committee and it is the most transparent. They have had budget conversations and will be making more cuts to an already skeletal service. They will not be able to increase the counseling staff at the schools. She has been trying to advocate for increased funding for the schools as it is not right that the children are hurting as there are not enough resources. She reiterated that they have looked at the budget closely and it is a shame that they will not be able to address the needs. ► Mr. Nutting stated that next week the audit will be reviewed. They have just finished a risk assessment. In the Commonwealth, the only way we can get more money is property tax. When we start to debate about the override, the debate will come as to whether the people of Franklin want to pay to maintain the quality of life. ► Chairman Mercer stated we are one community, one Town. People need to know the issues we are facing. When it comes time, and it is inevitable, we will be putting out to the community if they want to pass an override. That is why we want to get out a unified message to the public of the situation and issues the town is facing. ► Mr. Jones said that as an educator he understands and is concerned. He discussed the overrides from the past and how they were proposed. Some of the strategies used to convince the citizens an override was needed were scare tactics about which services would be gone and which town staff would be let go. The way he looks at this current situation is that if there are intentions of asking the citizens for an override, do not approach the citizens with scare tactics, but review the positive aspects of what we do have in the town and where we want to see our community in the future. He wants to bring the community together in a well-educated way to understand where the tax dollars are going and what they are needed for. He asked if a \$4 to \$5 million override would cover one year or several years. He discussed the funding issues from the state level. ► Mr. Nutting said that the \$4 to \$5 million would normally cover several years, but if the economy slows down, some revenues will be reduced. He stated that the town is currently at an all-time high for car excise tax and building permits. It would be foolish to ask for a sufficient amount of money for only one year. ► Mr. Kelly discussed the possible need for overrides. He discussed the change in the work structure that the new police chief began; the police department thought out-of-the-box to try to make the department better. He knows there is not enough money. He is a realist. He does not think the citizens will be excited about an override. He realizes the state keeps giving unfunded mandates and that is not fair. He does not know the solution. He does not think the state representatives or senators are pushed enough. He hopes redistricting is an option for the School Department. He suggested the Fire Department and DPW restructure, similarly to what the Police Department did. He does not think there would be enough votes for an override. ► Ms. Bergen said that the leaders need to educate the public about the needs of the community. She talked about the one override that was won. ► Mr. Kelly said all departments need to work harder and

come back with a plan B. They need to show the community what they are going to lose and what can be saved. He said the Police Department made huge strides and we all need to do that. ► Ms. Schultz indicated that what the Police Department did is apples to oranges. In the schools, the conversations are what should the students have access to, where should they be. There should be things added to the district. ► Mr. Kelly stated that it is not apples to oranges; we are all one community and they are all important. ► Ms. Bergen discussed the cost of losing teachers and the cost of retraining. She said that Dr. Ahern has brought the special education programs back to the schools instead of sending students to out-of-district placements as they are so expensive. They have to do a better job of educating the public about this. ► Chairman Mercer said this conversation is the start of the process. We need to educate the citizens on the issues that are approaching. We need to be creative. We need to be thinking outside the box. ► Mr. Dellorco thanked everyone for coming tonight. He noted that the Town of Franklin is not alone; other communities are experiencing this. To the override point, the community must be educated. He mentioned that the Police Department made great strides and the Fire Department is working on it. ► Mr. George Conley, 7 Sherman Avenue, Finance Committee member, stated this is a shameless plug. The only place in this town where every single line of every single budget is reviewed is at the FinCom. He stated that every department head comes before us and answers questions. In his four years on the FinCom, there has not been one citizen present. That is where the education piece has to begin. For instance, when you want to talk about recess, that is the time to ask the questions at the FinCom when the all the department heads are sitting there. He encouraged citizens to come to the FinCom budget meetings and ask questions. ► Mr. Hellen stated there is a FinCom meeting on March 18, 2019, at 7:00 PM, to begin the FY20 budget discussions. The second meeting is on March 25, 2019. The Town Council overall budget hearings will be on May 22 & 23, 2019. ► Mr. Jones said that all citizens should be engaged and asked questions about the budget. ► Mr. Max Morrongiello, 210 Chestnut Street, asked how does Franklin rank in per pupil expenditure. What kind of city do we want to live in? How do we want to educate our kids? Do we want to live in a healthy and vibrant town? ► Dr. Ahern stated the town's per pupil expenditure is below the state average. She said the state report shows per pupil expenditure in 2017 was \$12,939 for Franklin, whereas the state average was \$15,350. ► Ms. Bryna Morehouse, 15 October Drive, stated that there is a lot of building going on. There are so many huge apartment complexes that cost more money in fire, police, and education. She is trying to figure out when the town is going to slow things down. ► Mr. Nutting stated people have property rights; as long as there is vacant land, you cannot stop building. Chapter 40B says we have to have 10 percent; we are above that at this time. Population costs money. It is really not possible to stop growth. The only constraint would be to run out of water. Twice the town voted against the Preservation Act. Controlling growth is a very difficult issue in a vibrant community. He stated that this Town Council has bought more land than any other Town Council. He continuously looks at the map regarding possible land the Town can buy. ► Mr. Kelly discussed suburban sprawl. He stated there have been discussions about how to stop growth. How do we raise funds enough to outpace our dying infrastructure and at the same time afford the services in the town that we need to be able to survive? We have to find a solution to fix the problem and not just Band-Aid this. ► Mr. Hellen noted that last year they took \$1.5 million from the Stabilization Fund. There is a little less than \$400,000 remaining; that account will be zeroed out this year. He reiterated the FinCom meeting dates and encouraged people to attend and ask questions. He reviewed some of the incredible things the town departments do. The town budget is on the website, along with other important financial information. ► Chairman Mercer thanked everyone for attending the meeting and listening at home. He urged the community to attend the meetings to learn the issues the town is facing. He noted that both Town Council members Ms. Pellegrini and Mr. Padula were unable to attend tonight's meeting.

#### **SUBCOMMITTEE REPORTS:**

- a. *Capital Budget.* ► Nothing to report.
- b. *Budget.* ► Nothing to report.
- c. *Economic Development.* ► Nothing to report.

**LEGISLATION FOR ACTION:**

- a. *Resolution 19-21: Acceptance of Gift to the Franklin Fire Department from the Singleton Family Foundation (Motion to Approve Resolution 19-21 - Majority Vote (5)).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-21: Acceptance of Gift to the Franklin Fire Department from the Singleton Family Foundation not to exceed \$250 by **Kelly. SECOND by Dellocco. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-2.**
- b. *Resolution 19-22: Appropriation of Cable Funds (Motion to Approve Resolution 19-22 - Majority Vote (5)).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-22: Appropriation of Cable Funds for \$185,237.09 by **Earls. SECOND by Casey. Discussion:** ► Mr. Nutting stated this is a requirement. The new law is that this must be paid every quarter. ► **VOTE: Yes-7, No-0, Absent-2.**
- c. *Resolution 19-23: Authority for Town Administrator to Settle Pending Litigation Against Town and Payment Appropriation (Motion to Approve Resolution 19-23 - Majority Vote (5)).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-23: Authority for Town Administrator to Settle Pending Litigation Against Town and Payment Appropriation for \$27,500 by **Kelly. SECOND by Dellocco. Discussion:** ► Mr. Nutting stated the solar farm on Upper Union Street was sold to Sunedison, Inc.; they filed for bankruptcy which included dragging the solar farm into it. Sunedison sought repayment of approximately \$74,000. The attorneys have settled all claims for \$27,500. It is a good deal. He noted the attorney was paid approximately \$15,000, to date. ► **VOTE: Yes-7, No-0, Absent-2.**
- d. *Resolution 19-24: Norfolk Aggie Supplemental Appropriation FY19 (Motion to Approve Resolution 19-24 - Majority Vote (5)).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-24: Norfolk Aggie Supplemental Appropriation for \$4,934 FY19 by **Kelly. SECOND by Dellocco. Discussion:** ► Mr. Nutting stated they have to pay the Norfolk Aggie approximately \$30,000 per year. They estimate for the budget, but the exact amount is not determined until enrollment is confirmed. This year we were a little short. ► **VOTE: Yes-7, No-0, Absent-2.**
- e. *Zoning Bylaw Amendment 19-829: District Enumerated-Creation of Mixed Business Innovation Zoning District-2<sup>nd</sup> Reading (Motion to Adopt Zoning Bylaw Amendment 19-829 – 2/3 Majority Roll Vote (6)).* ► **MOTION to Waive** the reading by **Dellocco. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-2.** ► **MOTION to Adopt** Zoning Bylaw Amendment 19-829: District Enumerated-Creation of Mixed Business Innovation Zoning District by **Kelly. SECOND by Dellocco. Discussion:** ► Mr. Nutting stated this is the second reading regarding re-zoning several parcels from Industrial to a new zoning that would allow for a more mixed-use development along Hayward and Fisher Streets. It went through the EDC, and the Planning Board endorsed the idea. The building parcels are outlined on the map. The following five zoning bylaw amendments are related to this proposal. ► Mr. Kelly noted that during the last meeting in which this was discussed, there was an audience member who needed to have a conversation with the Town Administrator about this. What was the result? ► Mr. Nutting stated they reached out three times and got no response. ► Mr. John Lambiase, Trustee of 145 Fisher Street, and the authorized representative of 131 Fisher Street, stated his position is the same as it was at the previous meeting. He stated he did some comparisons and provided those documents to Town Council members. He stated it seems like there are about 10 new uses added to the zone, and about 28 uses that would no longer be possible. That is his issue. ► Mr. Bryan Taberner, Director of Planning and Community Development, confirmed that the Town is trying to change that section of town and eliminate some of the “dirtier” uses and do some up-zoning and get a mix in that area. He noted the potential for the two parcels on Fisher Street that are being discussed. He does not have any problem with taking the two parcels off. However, he thinks it is in the interest of the town to change the whole section from Industrial to this new zone, and it is in the interest of the property owners. ► Mr. Nutting urged the Town Council to include these two parcels in the change. He discussed some of the uses that would not be wanted in that neighborhood. This will eliminate things that do not belong there and provides an opportunity for redevelopment in a positive way. ► Mr. Kelly stated he was

discouraged that the property owner was contacted three times and he did not return the calls. He agrees with Mr. Taberner about the new zoning; he is in favor. ► Mr. Max Morrongiello, 210 Chestnut Street, confirmed the current use could be used in perpetuity as non-conforming. ► Mr. Lambiase stated the purpose of his list was to show there is a lot being taken off, and not much being put on. He stated that these types of things that will benefit the other properties, will not benefit him. ► Mr. Kelly stated he does not see how this is a bad move for Mr. Lambiase's property. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES. ► **VOTE: Yes-7, No-0, Absent-2.**

- f. *Zoning Bylaw Amendment 19-830: Use Regulations-Mixed Business Innovation Zoning District-2<sup>nd</sup> Reading (Motion to Adopt Zoning Bylaw Amendment 19-830 – 2/3 Majority Roll Vote (6)).*  
 ► **MOTION to Waive the reading by Dellorco. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-2.** ► **MOTION to Adopt Zoning Bylaw Amendment 19-830: Use Regulations-Mixed Business Innovation Zoning District by Kelly. SECOND by Dellorco. No Discussion.** ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES. ► **VOTE: Yes-7, No-0, Absent-2.**
- g. *Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations-2<sup>nd</sup> Reading (Motion to Adopt Zoning Bylaw Amendment 19-831 – 2/3 Majority Roll Vote (6)).*  
 ► **MOTION to Waive the reading by Dellorco. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-2.** ► **MOTION to Adopt Zoning Bylaw Amendment 19-831: Mixed Business Innovation Zone Dimensional Regulations by Kelly. SECOND by Hamblen. No Discussion.** ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES. ► **VOTE: Yes-7, No-0, Absent-2.**
- h. *Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District-2<sup>nd</sup> Reading (Motion to Adopt Zoning Bylaw Amendment 19-832 – 2/3 Majority Roll Vote (6)).*  
 ► **MOTION to Waive the reading by Dellorco. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-2.** ► **MOTION to Adopt Zoning Bylaw Amendment 19-832: Changes to §185-20. Signs, Mixed Business Innovation Zoning District by Kelly. SECOND by Dellorco. No Discussion.** ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES. ► **VOTE: Yes-7, No-0, Absent-2.**
- i. *Zoning Bylaw Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation on Area on or near Fisher and Hayward Streets-2<sup>nd</sup> Reading (Motion to Adopt Zoning Bylaw Amendment 19-833 – 2/3 Majority Roll Vote (6)).* ► **MOTION to Waive the reading by Dellorco. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-2.** ► **MOTION to Adopt Zoning Bylaw Amendment 19-833: Zoning Map Changes from Industrial to Mixed Business Innovation on Area on or near Fisher and Hayward Streets by Kelly. SECOND by Dellorco. No Discussion.** ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES. ► **VOTE: Yes-7, No-0, Absent-2.**
- j. *Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District-2<sup>nd</sup> Reading (Motion to Adopt Zoning Bylaw Amendment 19-834 – 2/3 Majority Roll Vote (6)).* ► **MOTION to Waive the reading by Dellorco. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-7, No-0, Absent-2.** ► **MOTION to Adopt Zoning Bylaw Amendment 19-834: Changes to Sign District Overlay Map, Mixed Business Innovation Zoning District by Kelly. SECOND by Dellorco. No Discussion.** ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES. ► **VOTE: Yes-7, No-0, Absent-2.**
- k. *Bylaw Amendment 19-836: Amendment to the Town Code to Add New Chapter 108 Library Board of Directors-2<sup>nd</sup> Reading (Motion to Adopt Bylaw Amendment 19-836 - Majority Roll Call Vote (5)).*  
 ► Mr. Jones read the bylaw amendment. ► **MOTION to Adopt Bylaw Amendment 19-836:**

Amendment to the Town Code to Add New Chapter 108 Library Board of Directors by **Kelly. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this will bring the Library Board in compliance with the Town Charter. He explained that the old bylaw said there were six people; when the Charter was revised, it was reduced to five. Other than that, it is replication of what already existed. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES. ► **VOTE: Yes-7, No-0, Absent-2.**

***1. Zoning Bylaw Amendment 19-837: Zoning Map Changes from General Residential V to Single Family Residential IV, an area on or near West Central Street - Referral to the Planning Board (Motion to Refer Zoning Bylaw Amendment 19-837 to the Planning Board - Majority Vote (5)).***

► Mr. Jones read the zoning bylaw amendment. ► **MOTION to Refer Zoning Bylaw Amendment 19-837: Zoning Map Changes from General Residential V to Single Family Residential IV, an area on or near West Central Street to the Planning Board by Kelly. SECOND by Dellorco. Discussion:** Mr. Nutting stated this would rezone the land back from Residential V to what it was in the past. The owner has filed a subdivision plan and if they moved forward in the next six months, that would be grandfathered. The intent of this is to slow down the building in Franklin. ► Mr. Kelly questioned that this was put forward a few years ago to attract a residential development and now we do not want it. ► Mr. Joel D'Errico, 72 Deer View Way, noted he is representing three property owners; he noted that Mr. John Marguerite, one of the property owners, was in attendance. He stated that in the 1990s the town came up with an Impact Fee to help the school system. Ultimately, the Mass. Supreme Court said it was not legal. He stated the property he is representing was rezoned to Residential V which is multi-family zoning by Special Permit. He reviewed the history of his development plans. He stated he discussed his plans for condominiums for this property with the Town Administrator. The Special Permit was denied by the Planning Board. He then filed a subdivision plan for the property. He asked the Town Council to let this zoning bylaw amendment die. The Town will get some revenue and no school children. ► Mr. Cerel advised the Town Council that Mr. D'Errico has brought suit against the Planning Board; the action is pending and he is seeking an award. He advised the Town Council to be cautious with how they proceed. ► Mr. D'Errico stated he is asking to be re-heard at the Planning Board. ► Mr. John Maguerite, 213 Washington Street, reviewed the history of his plans to build duplexes on the property as the zoning was appropriate for that. He discussed his experiences with various boards and committees and did not get approval. The town then re-zoned it to Residential V. At this point, he is under agreement with Mr. D'Errico to sell him the land. He asked the Town Council to see fit to hold on to the current zoning a little longer in case something falls through with Mr. D'Errico and he takes back the property. He would like to have the opportunity to bring forth something to the town as he had been shot down previously. He was told the town was not going to do any spot zoning, but they did, and now they want to take it back. ► Mr. D'Errico stated he had two traffic studies done which were both favorable. He discussed various zoning in the area of Rt. 140. ► Mr. Jones noted that this is a proposed change back to something that had been there; it is a referral to the Planning Board. ► **ROLL CALL VOTE:** Casey-YES; Dellorco-NO; Hamblen-NO; Jones-YES; Kelly-NO; Earls-YES; Mercer-YES. ► **VOTE: Yes-4, No-3, Absent-2.** Motion Passes.

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Nutting reviewed the policy regarding mailboxes damaged by snowplows. There is no bylaw about mailboxes or payment. Sometimes, when the snow is heavy, it may roll off the plow and could damage mailboxes. They do the best they can. Almost all mailboxes are on public property. He stated that we do not believe the town has any responsibility to people's mailboxes. But, if the town breaks the mailbox, let's be a good neighbor and fix it. What does a 4x4 post and a mailbox cost? If a resident obtains a receipt, they will be reimbursed \$45. Every few years, the price gets adjusted by \$5. A lot of towns do not do anything. We encourage people to not buy expensive mailboxes. We do not want to hit mailboxes, but it is an occasional consequence.

**FUTURE AGENDA ITEMS:** *None.*

**COUNCIL COMMENTS:** ► Mr. Earls stated he attended a Mass. Municipal Association meeting about public infrastructure and utilities. There was a lot of discussion including about 5G. He stated that the FCC is looking for communities to come up with any regulations they are going to put out regarding the appearance of the devices that will be put on telephone poles. ► Ms. Hamblen thanked the Historical Museum for having the Town of Franklin's birthday party; it was a fun event. ► Mr. Casey gave a shout-out to the girls' varsity basketball team; they did a great job. ► Mr. Dellorco gave a shout-out to the hockey team and the girls' basketball team. It was a great winter sports' program for the high school. ► Mr. Kelly stated the Memorial Day Parade will be on Monday, May 27, 2019.

**EXECUTIVE SESSION:** *None.*

**ADJOURN: MOTION to Adjourn by Kelly. SECOND by Dellorco. No Discussion. ► VOTE: Yes-7, No-0, Absent-0. Meeting adjourned at 9:55 PM.**

Respectfully submitted,

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Judith Lizardi  
Recording Secretary



## Uses added by the proposed Mixed Business Innovation Zoning

1. Restaurant Bar \*\*\*\*\*
2. General Retail Sales\*\*\*\*\*
3. Personal Retail sales
4. Craft Making
5. Art Gallery\*\*\*\*\*
6. Charitable Institution
7. Library Museum\*\*\*\*\*
8. Social Club
9. Indoor Commercial Amusements
10. Movie Theater\*\*\*\*\*

\*\*\*\*\* = Uses that will never be utilized by 131 fisher st and 145 fisher street properties.

Reason being the location of the properties mostly(131 , 145 fisher st) is the least desirable location for these potential new uses compared to other properties within the proposed mixed business innovation zoning. Clearly the Clark Cutler properties will benefit from this new proposal significantly and has a negative impact on 131 , 145 fisher st.

## Uses that will be no longer possible with the proposed Mixed Business Innovations Zoning

1. Nursery\*\*\*\*\*
2. Produce Stand
3. Adult Entertainment
4. **Animal Kennel, Hospital\*\*\*\*\***
5. **Animal daycare\*\*\*\*\***
6. **Animal Grooming\*\*\*\*\***
7. Bank
8. Hotel, Motel
9. **Autobody\*\*\*\*\***
10. Filling service station
11. Other automobile services
12. **Storage facility \*\*\*\*\***
13. Tattoo Parlor
14. **Catering\*\*\*\*\***
15. Function Hall
16. Psychic services
17. Bus Railroad station
18. **Contractor Yard\*\*\*\*\***
19. Earth removal
20. Lumber yard
21. Biotechnology
22. Printing Publishing
23. Public Utility
24. Power Plant
25. Solid waste Facility
26. Hospital
27. Correctional facility
28. **Outdoor Commercial Amusement\*\*\*\*\***

\*\*\*\* = Actual uses that have shown interest over the years in 131 fisher st and 145 fisher st

# THE DISAPPEARANCE OF CHILD-DIRECTED ACTIVITIES AND TEACHERS' AUTONOMY FROM MASSACHUSETTS' KINDERGARTENS



*According to a survey of 189 kindergarten teachers in the wealthiest and poorest school districts in Massachusetts, schools have reduced the amount of time that kindergartners have for child-directed activities (CDA) such as free play, rest, recess, snack, and lunch. At the same time, school administrators with limited or no knowledge of early childhood education have placed increasing restrictions on kindergarten teachers' control over curriculum and instruction.*

- Schools have reduced the time kindergartners have for child-directed activities.

- Children in high-socioeconomic status (SES) schools have more time for child-directed activities.

- Kindergartners in Massachusetts get much less time for free play and recess than three provinces in Canada recommend for kindergartners.

- The scheduling of child-directed activities in some low-SES kindergartens is minimal or non-existent.

- Schools have reduced kindergarten teachers' control over curriculum.

- Most elementary principals are inexperienced in early childhood education.

*In far too many public school kindergartens in Massachusetts, children are experiencing educational conditions that prepare them, not for a career in the creative economy, but rather for settings where creativity, personal agency, and a sense of purpose are not necessary. Advocacy is required at both the state and local level to persuade or, if necessary, compel schools to adopt practices that address the needs of children rather than the needs of child-blind administrators in their pursuit of higher test scores.*

Disappearance of Child-Directed Activities

Jefferson Elementary =

20 minutes of scheduled lunch!  
20 minutes of scheduled

Table 1

Amount of Time Scheduled for Child-Directed Activities (CDA) in MA Kindergartens  
And Recommended Amounts of CDA in State and Provincial Kindergarten Guidelines

Recess!

Type of Activity	Mean Amount of CDA in MA Kindergartens				Mean Amount of CDA in Kindergarten Scheduling of Guidelines			
	Low-SES		High-SES		American States		Canadian Provinces	
	Minutes	Hours	Minutes	Hours	Minutes	Hours	Minutes	Hours
	Daily	Weekly	Daily	Weekly	Daily	Weekly	Daily	Weekly
Lunch	24	2.0	26	2.2	29	2.4	36	3.0
Snack	11	0.9	16	1.3	14	1.2	20	1.7
Recess	22	1.8	32	2.6	32	2.7	49	4.1
Rest	5	0.4	8	0.7	13	1.1	7	0.6
Free Play	20	1.7	30	2.5	23	1.9	50	4.2
Total	82	6.8	112	9.3	111	9.3	162	13.6

Third, researchers have also investigated another factor that informs the current discussion: the relationship between downtime and peak performance in both workplace and school settings. Recently, Gifford reported that one company's top adult performers did not work longer hours than less productive workers. In fact, the top performers worked less than a full eight hours, because they took, on average, a 17-minute break following 52 minutes of work, which amounts to 15 minutes of downtime per hour.<sup>26</sup> Concurrently, Dr. Judith Willis, who is both a neuroscientist and a classroom teacher, recommends, based on her review of downtime research, that elementary students in grades 1-6 should also have 15 minutes of downtime for every hour of work (preferably broken into work sessions of 10 to 15 minutes followed by 3- to 5-minute breaks).<sup>27</sup> In the current study, though, 71% of kindergarten classrooms in low-SES and 23% in high-SES districts

get less downtime per hour (as measured by the amount of time scheduled for CDA) than Willis recommends for sixth-graders and Gifford recommends for adults. Thus, the discrepancy in downtime for kindergartners in low-SES and high-SES districts is important to note.

Finally, the American Academy of Pediatrics, based on its analysis of research on the length and timing of school lunch, recommends that, once seated, children have at least 20 minutes to eat and therefore encourages schools to schedule at least 25 and preferably 30 minutes for lunch.<sup>28</sup> The current study found, however, that low-SES kindergartners were more likely than high-SES kindergartners to have lunch periods that lasted less than 20 minutes (12% versus 0%) and less than 25 minutes (39% versus 24%). Further, approximately 50% of both types of kindergartners fail to follow a related recommendation for schools to schedule lunch before (not after) recess.

<sup>26</sup> Gifford, J. (2014, August 7). *The rule of 52 and 17: It's random, but it ups your productivity*. The Muse. Retrieved from <https://www.themuse.com/advice/the-rule-of-52-and-17-its-random-but-it-ups-your-productivity>.

<sup>27</sup> Willis, J. (2016, December 7). *Using brain breaks to restore students' focus*. Retrieved from: <https://www.edutopia.org/article/brain-breaks-restore-student-focus-judy-willis>.

<sup>28</sup> Turner, L., Eliason, M., Sandoval, A. & Chaloupka, F. (2014). *Most US public elementary schools provide students only minimal time to eat lunch*. Bridging the Gap Program, Health Policy Center, Institute for Health Research and Policy, University of Illinois at Chicago.

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<u>TOWN/ELEMENTARY SCHOOL</u>	<u>RECESS:</u>	<u>LUNCH:</u>	<u>HOURS:</u>	<u>SPOKE TO:</u>
Walpole, Fisher	15 minute recess in am; 20 minute recess in afternoon	20 minute lunch	8:55 - 3:25	Pat Quinlinn
Norwood, Balch	15 minute recess in am; 20 minute "lunchtime recess"/afternoon recess	20 minute lunch	8:35 - 2:50	Allison
Plainville, Anna Ware Jackson	15 minute recess in am; 15 minute afternoon recess	20 minute lunch	8:50 - 3:00	Suzanne
Norfolk, H. Olive	30 minute recess	25 minute lunch	8:55 - 3:00	Paula
Blackstone, John F. Kennedy	30 minute recess	25 minute lunch	8:50 - 3:00	Linda
Medway, John D. McGovern	30 minute recess	30 minute lunch	8:45 - 3:00	Laurie
Attleboro, Peter Thacher	25 minute recess AND "Brain Breaks" OUTSIDE at least once	25 minute lunch	8:25 - 3:50	Jennifer
Hopkinton, Edward J. Hopkins	20 minute recess (they "usually take time from lunch")	30 minute lunch	8:15 - 2:30	Kim & Kathy
Medfield, Dale Street	25 minute recess	25 minute lunch	8:25 - 2:55	Maureen (*They use Playworks)
Bellingham, Stall Brook	25 minute recess	25 minute lunch	8:45 - 2:50	Joan
Holliston, Sam Placentino	30 minute recess	25 minute lunch	8:45 - 3:15	Maureen
Mendon, Henry P. Clough	25 minute recess	25 minute lunch	9:00 - 3:10	Julia (*Recess 1st, then lunch)
Canton, Lt. Peter M. Hansen	25 minute recess	25 minute lunch	8:30 - 2:50	Barbara C.
Sherborn, Pine Hill	25 minute recess	25 minute lunch	8:30 - 3:00	Kristen & Karen
Stoughton, Helen Hansen	25 minute recess	20 minute lunch	8:30 - 2:45	Mrs. Canseleri
Foxboro, Vincent M. Igo	20 minute recess	30 minute lunch	8:45 - 3:00	Christine
Milford, Brookside	20 minute recess	30 minute lunch	8:40 - 2:50	Janet
Wrentham, Delaney	20 minute recess	25 minute lunch	8:20 - 2:45	Linda
Franklin, Jefferson	20 minute recess	20 minute lunch	8:30 - 2:40	L. Doherty

\* Benchmark data obtained by Bryna Pasternak Morehouse on 2/5 & 2/6/19. Note that many schools have P.E. twice a week around 45 minutes each session. Many schools also stated that, on half days, students STILL get recess but it may be shortened. Schools also use their gym "whenever they can" to get kids moving.

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