

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
March 1, 2017**

A meeting of the Town Council was held on Wednesday, March 1, 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, Judith Pond Pfeffer, Robert Vallee. Councilors absent: Deborah Pellegri. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

**CALL TO ORDER:** ► Chairman Kelly called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance.

**APPROVAL OF MINUTES:** *February 15, 2017.* ► **MOTION** to **Approve** the February 15, 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:** *None.*

**APPOINTMENTS:** ► *Franklin Cultural Council.* Ms. Pfeffer read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Lesley Anne McCaffrey to serve as a member of the Franklin Cultural Council, with an expiration of June 30, 2018 by **Pfeffer**. **SECOND** by **Mercer**. **Discussion:** Mr. Nutting stated that Ms. McCaffrey was unable to attend tonight. ► **VOTE: Yes-8, No-0, Absent-1.**

**HEARINGS:** *None.*

**PRESENTATIONS/DISCUSSIONS:** *None*

**SUBCOMMITTEE REPORTS:** *None.*

**LEGISLATION FOR ACTION:**

1. *Resolution 17-08: Amendment to the 2017 Town Council Meeting Schedule (Motion to Move Resolution 17-08 – majority vote – (5)).* Ms. Pfeffer read the resolution. ► **MOTION** to **Move** Resolution 17-08: Amendment to the 2017 Town Council Meeting Schedule by **Mercer**. **SECOND** by **Jones**. **Discussion:** ► Mr. Mercer confirmed April 26 was removed. ► **VOTE: Yes-8, No-0, Absent-1.**
2. *FY 17 Capital Plan.* **No Discussion.**
3. *Resolution 17-09: Appropriation Purchase of Fire Truck Replacement – Engine #3 (Motion to Move Resolution 17-09 – 2/3 vote – (6)).* Ms. Pfeffer read the resolution. ► **MOTION** to **Move** Resolution 17-09: Appropriation Purchase of Fire Truck Replacement – Engine #3 by **Mercer**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Nutting stated that they have been saving over the years to replace the fire truck. There is \$485,000 in the Fire Truck Stabilization Fund and will take \$115,000 from Free Cash. Once appropriated, this will allow the fire chief to start the process of

replacing the engine. ► Fire Chief McCarraher, in response to questions, stated engine #3 will leave the fleet; there will be a trade-in value. He said there is a focus group with firefighters putting together specifications. ► **VOTE: Yes-8, No-0, Absent-1.**

4. ***Resolution 17-10: Appropriation Capital FY17 (Motion to Move Resolution 17-10 – majority vote – (5)).*** Ms. Pfeffer read the resolution. ► **MOTION to Move Resolution 17-10: Appropriation Capital FY17 by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated this has been reviewed by the Capital Improvement Committee and recommended along with the Finance Committee. The departments are here to answer any specific questions; this is pretty much the standard annual capital budget. Hopefully, will get through the winter with no more snow, so may have future requests in May or June once known on the snow and ice budget; currently at about \$800,000 of \$950,000. ► **VOTE: Yes-8, No-0, Absent-1.**
5. ***Resolution 17-11: Appropriation Water Enterprise Capital FY17 (Motion to Move Resolution 17-11 – majority vote – (5)).*** Ms. Pfeffer read the resolution. ► **MOTION to Move Resolution 17-11: Appropriation Water Enterprise Capital FY17 by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated this is straight forward; continue the three-year meter replacement program, buy a dump truck, and perform other infrastructure improvements. ► **VOTE: Yes-8, No-0, Absent-1.**
6. ***Resolution 17-12: Appropriation Sewer Enterprise Capital FY17 (Motion to Move Resolution 17-12 – majority vote – (5)).*** Ms. Pfeffer read the resolution. ► **MOTION to Move Resolution 17-12: Appropriation Sewer Enterprise Capital FY17 by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated the first two items are replacement and the third is for a generator in the sewer pump station in case there is an outage of electricity. The biggest is the \$500,000 to continue to improve the inflow and infiltration problems in the system by relining pipes and replacing old pipes; have been doing this for about a decade. He discussed the dictates of the permit with Charles River Pollution Control. ► **VOTE: Yes-8, No-0, Absent-1.**
7. ***Resolution 17-13: Salary Schedule Full-Time Elected Officials (Motion to Move Resolution 17-13 – majority vote – (5)).*** Ms. Pfeffer read the resolution. ► **MOTION to Move Resolution 17-13: Salary Schedule Full-Time Elected Officials by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated this is a group oversight by the entire administrative team. Every year we vote for the town clerk's salary. It was voted in November 2015 when the former clerk left and the new clerk came in; we failed to put it in the spring 2016. He stated the Town Council voted on the salary in the budget, but supposed to vote on this separately. This is a clean-up of an error; it is paperwork. ► **VOTE: Yes-8, No-0, Absent-1.**
8. ***Resolution 17-14: Transfer from Water Enterprise and Rescind Borrowing Authority (Resolution No. 14-16 Appropriation Funding Sources) (Motion to Move Resolution 17-14 – majority vote – (5)).*** ► **MOTION to Waive the reading by Jones. SECOND by Mercer. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Resolution 17-14: Transfer from Water Enterprise and Rescind Borrowing Authority by Mercer. SECOND by Jones. Discussion:** ► Mr. Nutting stated that about three years ago the Town Council voted \$7.5 million bond authorization for water system improvements. The plan was to pay down \$2.5 million of that authorization with cash and then borrow \$5 million. Have already reduced it to \$6.4 million and this would take it down to \$5.7 million; then hopefully will get it down to \$5 million in the next two years. This is just paying down the bond authorization. ► **VOTE: Yes-8, No-0, Absent-1.**
9. ***Resolution 17-15: Supplementation of Prior Resolutions of the Town Authorizing Borrowing to Allow for the Application of Premium(s) Received to Project Costs (Motion to Move Resolution 17-15 – majority vote – (5)).*** Ms. Pfeffer read the resolution. ► **MOTION to Move Resolution 17-15:**

Supplementation of Prior Resolutions of the Town Authorizing Borrowing to Allow for the Application of Premium(s) Received to Project Costs by **Mercer. SECOND by Jones. Discussion:** ► Mr. Nutting stated this was a change in a law of the Municipal Modernization act. He explained the premium associated with borrowing. The High School premium was already taken care of. This has to be passed to meet the new law; any premium money in excess of issuance costs has to be applied to the project. ► **VOTE: Yes-8, No-0, Absent-1.**

**10. Zoning Bylaw Amendment 17-786: Storage Facility Bylaw – 2<sup>nd</sup> Reading (Motion to move Bylaw Amendment 17-786 - Roll Call – 2/3 majority vote (6)).** Ms. Pfeffer read the zoning bylaw amendment. ► **MOTION to Move Bylaw Amendment 17-786: Storage Facility Bylaw by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated this has been discussed before. It just changes the zone where storage facilities are allowed from Commercial II to Industrial. ► Mr. Jones confirmed the number of this resolution is 17-786. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-8, No-0, Absent-1.**

**LICENSE TRANSACTIONS:** ► **BJ's Wholesale Club – Transfer of License.** ► **MOTION to Open** the hearing by **Jones. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► Mr. Eugene Richard of Hurwitz, Richard & Sencabaugh, LLP representing Mormax Inc., applicant, for transfer of a license from Brunelli Industries, Inc. addressed the Town Council. He stated Mormax d/b/a BJ's Wholesale Club holds six liquor licenses in Massachusetts; all are operated in conjunction with BJ's. This would be the seventh license for Massachusetts. He stated that with all the licenses there have been no disciplinary actions; he noted that he must amend one of the application pages to indicate no disciplinary actions. BJ's is active in the community, supports local charities, and BJ's is headquartered in Massachusetts. He introduced Mr. Gerard Charbonneau, manager of the Franklin BJ's for seven years and has had experience with BJ's for 10 years. He stated BJ's is a retail operation which usually sells in bulk; beer is only sold by the case, wine is sold by the bottle. There is no cold beer or six packs. There is very little customer service. It is for convenience of Club members, but the alcohol is open for any member of the public to come in and purchase. This is for a Beer and Wine license. ► Mr. Bissanti confirmed that anyone can purchase alcohol, they do not have to be a member. ► Attorney Richard stated that the maximum number of licenses an entity can have in Massachusetts is seven. In January 2020, the limit will move to nine licenses. ► Ms. Pfeffer read the license transaction. ► **MOTION to Approve** the request by Mormax Corporation for a Transfer of License from Brunelli Industries, Inc. dba Anne's Country Market with the Manager to be Gerard A. Charbonneau by **Pfeffer. SECOND by Mercer. Discussion:** ► Mr. Cerel stated there is a local bylaw that requires TIPS training for managerial and anyone handling. He explained the specific requirements. He asked about the security procedures in the store to minimize chances of minors getting alcohol. ► Mr. Charbonneau explained the surveillance system and location where the beer and wine would be housed. He stated there would be a dedicated staff person to that section. ► Mr. Nutting stated that the police from time to time run a sting for compliance and if fail, license will be suspended. ► Ms. Pfeffer noted that the Brunelli's had the license for many years and that this is the passing of an era for them to be out of this business. ► Mr. Bissanti noted that this license is going from a country store to a huge entity with the potential for loose surveillance. He questioned the impact this will have on the other small beer and wine entities in the area. He stated he is speaking more globally than against this transfer and that this may be something that needs to be considered in the future. He reviewed TIPS certification. ► Mr. Charbonneau stated they are diligent in the training of their staff. ► Mr. Padula thanked Attorney Richard for clarifying that there have not been any violations in their history of holding licenses. ► **VOTE: Yes-8, No-0, Absent-1.**

► **Alumni Restaurant – Change of Beneficial Interest, Transfer of Stock.** Ms. Pfeffer read the license transaction. ► **MOTION to Approve** the request by M and C Restaurant Group, Inc. for a change of Beneficial Interest from Beverly A. Savioli to Andrea Lynne Donnellan and transfer of stockholder

interest from Beverly A. Savioli to Andrea Lynne Donnellan on their All Alcoholic Beverages Restaurant license by **Pfeffer. SECOND by Mercer. Discussion:** ► Mr. Richard Cornetta, attorney for the M and C Restaurant Group, and Ms. Andrea Lynne Donnellan, Manager of Alumni Restaurant and Bar, addressed the Town Council. Attorney Cornetta stated this is to transfer the shares of M and C Restaurant Group from Beverly Savioli, Ms. Donnellan's mother, to Ms. Donnellan. ► Mr. Padula confirmed that everything would remain the same at this location. ► **VOTE: Yes-8, No-0, Absent-1.**

**TOWN ADMINISTRATOR'S REPORT:** Mr. Nutting stated that last December the playground at DelCarte was covered because of concern from the previous two winters and the repairs that had been made. Gus checked it and found that there were more cracks in the playground. He contacted Ryan, and Ryan contacted the company. The company came out and looked at the playground. Between Ryan, Gus, Mr. Cerel, and himself, they asked the company to replace the entire playground with a more traditional playground that can be used twelve months of the year and that will not break. Ryan did much homework and picked out a nice replacement. The company agreed to take down the old one and provide a new one as well as a credit toward a future one so we end up with equal dollar amounts of what was originally paid. Ryan is here if anyone has any questions. He noted the company did not give any complaints. They will just swap it out. It will come down soon. ► Mr. Ryan Jette stated public works will move all the mulch and the company will take down the current one and replace it; hopefully, have it in this spring. He is hoping before June 1. Order time is usually about six to eight weeks. ► Mr. Mercer asked that it be expedited. ► Mr. Padula stated it took forever the last time; so, we need to stay on top of this because the place gets used constantly. ► Mr. Bissanti asked what it would look like. ► Mr. Jette explained that it will try to blend into the environment with earthy tones/colors. ► Mr. Cerel stated that possibly something went wrong with the concrete that was used.

**FUTURE AGENDA ITEMS:** ► Mr. Bissanti stated he would like the opportunity to revisit the alcohol awareness bylaw and some of the wording in it. He is not confident of the online staff certifications; he thinks there are plenty of programs that are willing to come to Franklin to teach. He was skeptical at the time about the online courses, and still is.

**COUNCIL COMMENTS:** ► Mr. Padula stated Attorney Cornetta had done a very good and complete job with the license transaction paperwork. ► Mr. Vallee asked Mr. Nutting about an email about purchasing a piece of property on the corner of Cottage and Union Streets; he noted that he had initiated that a few years ago and it had come back with many stipulations. He questioned what was the motivation to seek to purchase that property again. ► Mr. Nutting stated he just thought he would send out an email to see where it stood and to test the waters as it looks so lousy out there. He stated the email response was that the property was already under agreement. ► Mr. Jones stated that Franklin Almanac episode 3 has just been aired; it is on YouTube. It will be on Franklin TV. He stated there were lights donated to the softball field some time ago; it required a few things being updated before the lights can be done. It is now moving forward. All the poles are being installed and all the donated lights should be installed soon at Pisani Field. He asked Mr. Mercer for the status of the fields at the high school. ► Mr. Mercer stated everything is on scheduled and looks good. The fields will be ready on April 1. ► Mr. Jones thanked everyone for their hard work in making sure this all gets done for April 1. ► Mr. Dellorco stated the baseball fields look good. ► Mr. Bissanti commended Ms. Pfeffer and Mr. Mercer for the excellent job they did with the Senior Center. He was inspired by the attendance and compliments at the Senior Center ribbon cutting. ► Ms. Pfeffer stated the Milford News had an article the day before the Senior Center opening, but did not have anything about the actual opening day which included great food, ribbon cutting, and activities. She stated it is a great place to be. ► Chairman Kelly stated the Secretary of Elder Affairs attended the Senior Center event and complimented the Senior Center. He stated Town Council will continue to make this town the best place they can for the people of Franklin.

**EXECUTIVE SESSION:** *None.*

**ADJOURN: MOTION to Adjourn by Mercer. SECOND by Jones. No Discussion. ► VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 7:58 PM.**

Respectfully submitted,

Judith Lizardi  
Recording Secretary