FRANKLIN TOWN COUNCIL MINUTES OF MEETING May 10, 2017

A meeting of the Town Council was held on Wednesday, May 10, 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 Pellegri, 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: *April 12, 2017.* ► **MOTION** to **Approve** the April 12, 2017 meeting minutes by **Mercer. SECOND** by **Padula. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

ANNOUNCEMENTS: ► Chairman Kelly announced the meeting is being recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29. This meeting may also be recorded by others.

PROCLAMATIONS/RECOGNITIONS: ► *Police Department – Chief Lynch.* Police Chief Lynch recognized Ms. Nicole Connors as an outstanding employee who devoted 17 years to the Town of Franklin for her work as a police dispatcher. She is leaving the department for an opportunity to advance her career and will be the Communications Supervisor for the Medway Police Department. He reviewed her career and accomplishments, and presented Ms. Connors with a recognition plaque.

- ▶ Firefighter Chief McCarraher. Fire Chief McCarraher recognized the sacrifice of the family of Firefighter John Durand who died in the line of duty on April 30, 1977. He read a proclamation. He reviewed the career and life of Firefighter Durand and stated the Franklin Town Council remembers and honors Firefighter Durand on the 40th anniversary of his passing. He presented the family with U.S. flags.
- ► Ms. Pellegri stated the Town of Franklin honored and celebrated its Oldest Citizen of the Year, 107-year-old Saville Mary Bennett. She read a proclamation reviewing Ms. Bennett's life.

CITIZEN COMMENTS: ►Mr. Dale Kurtz, Veteran's Officer for the Town of Franklin, welcomed everyone to attend the May 26th Memorial Day celebration at 9:00 AM at the Franklin Senior Center. They will be recognizing Korean War veterans and dedicating the memorial street sign at the corner of Concord and Oak Streets to Harry Bean, Franklin's only Korean War death casualty. Please call 508-520-4945 to register for the event. The Memorial Day Parade will be held on May 29th with kick off on Main Street at 10:45 AM.

APPOINTMENTS: ► *Conservation Commission.* Ms. Pfeffer read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Jeffrey J. Milne to serve as a member of the Conservation Commission, with an expiration of June 30, 2017 by **Pfeffer. SECOND** by **Mercer. Discussion.** ► Mr. Milne stated he is looking forward to contributing to the Town. ► **VOTE: Yes-9, No-0, Absent-0.**

► Cultural Council. Ms. Pfeffer read the appointment. ► MOTION to Ratify the appointment by the Town Administrator of Phyllis M. Smith to serve as a member of the Franklin Cultural Council, with an expiration of June 30, 2020 by Pfeffer. SECOND by Mercer. Discussion. ► Ms. Smith stated she is looking forward to joining the Cultural Council. ► VOTE: Yes-9, No-0, Absent-0.

HEARINGS: None.

LICENSE TRANSACTIONS: ► BJ's Wholesale Club – Change of Location. Ms. Pfeffer read the license transaction. ► MOTION to Approve the request by Mormax Corporation d/b/a BJ's Wholesale Club for a Transfer of License and Change of Location of the License currently held by Brunelli Industries, Inc. d/b/a Anne's Country Market to be relocated from 451 West Central Street to 100 Corporate Drive, Franklin, MA, by Pfeffer. SECOND by Mercer. Discussion. ► Mr. Nutting stated applicant is back because in the first application they did not include a change of location; it is a routine matter at this point. ► Mr. Bissanti asked what is the significance of this; is it just a reaffirmation of the license transfer? ► Mr. Nutting stated it was already voted on, but there was a technical error in the application in that applicant did not list the location change. ► Chairman Kelly stated it is sad to see one of the local stores transfer to a big box store. ► VOTE: Yes-8, No-1, Absent-0. (Mr. Bissanti voted No.)

► Liquor World – Transfer of License. Ms. Pfeffer read the license transaction. ► MOTION to Approve the request by Dharma Bhakti Corporation d/b/a Liquor World for a Transfer of License currently held by Shorey, Inc. d/b/a Liquor World, approve the Pledge of the license and stock, and approve the Manager, Nitant N. Raval by Pfeffer. SECOND by Mercer. Discussion. ► Mr. Nutting stated the attorney is here to make a presentation. ► Attorney Matthew Porter, representing the applicant, Dharma Bhakti Corporation, stated that before the Town Council is a straight forward transfer of the pledge of liquor license for Liquor World. He provided an overview of the corporation and the owners. He stated they are also purchasing a store in Medway and that license was approved. ► Mr. Padula stated he did not see any of these as straight forward transactions. He questioned the scant experience information provided on the application; he asked the manager questions about his experience and the training he has done. ► Mr. Jones noted that Liquor World had a past violation; he provided a prewarning that any violation is a day suspension. ► Mr. Bissanti stated he is seeing a trend in how the liquor licenses transfer; he gets disturbed when he sees such differences in venues. ► Ms. Pfeffer stated good luck in the store, and it is sad to see another Franklin-owned business transferring out of business. ► VOTE: Yes-9, No-0, Absent-0.

► LaCantina Winery – Farmer's Market License. Ms. Pfeffer read the license transaction. ► MOTION to Approve the issuance of a Farmer Winery, Farmer's Market License to Robert Vozzella, La Cantina Winery Company by Pfeffer. SECOND by Mercer. Discussion. ► Mr. Nutting stated this is an annual requirement. ► VOTE: Yes-9, No-0, Absent-0.

PRESENTATIONS/DISCUSSIONS: ► Franklin Food Pantry. Ms. Erin Lynch, Executive Director of the Franklin Food Pantry, addressed the Town Council. She thanked the Town for their support. She stated there are still many people that need help and many that do not know the Town has a food pantry. She discussed the recent Empty Bowls dinner to spread awareness of hunger. She provided statistics in her video presentation regarding hunger and food needs in the Town, as well as the need for a new space for the Food Pantry. She stated Rockland Trust donates the lease on their current space. They have 155 volunteers and the current space is limited. The bulkhead stairs are not safe when bringing in the food, and it is not handicapped accessible. She asked for the Town Council's help in finding an adequate space; the main goal is that it should be all one level and within walking distance to downtown area. She stated she would launch a capital campaign to get funds; going from a free building to paying rent would be a stretch. The ideal would be for another donated building. For more information, go to the Franklin Food Pantry website. ► Town Council members asked questions regarding the Food Pantry space needs and the food supplies needed. They reminded the public that year-round donations are needed.

SUBCOMMITTEE REPORTS: ► Chairman Kelly stated a Review of the Rules and Regulations Subcommittee has been created; Councilor Pellegri, Councilor Padula, and Councilor Mercer will be heading the sub-committee and will report back their findings.

LEGISLATION FOR ACTION:

- Resolution 17-23: Appropriation: FY 2017 Operating Budget Transfers (Motion to Move Resolution 17-23 Majority Vote (5)). Ms. Pfeffer read the resolution. ► MOTION to Move Resolution 17-23: Appropriation: FY 2017 Operating Budget Transfers, for \$68,500 by Mercer. SECOND by Dellorco. Discussion: ► Mr. Nutting stated these are end-of-the-year transfers. Recreation expenses are the result of Ryan expanding his programs and taking on more kids; expenses go up, but revenues will offset that increase. Streetlight account is that there have been a lot of underground breaks and DPW has to fix them. Human Resourses is that they have done a lot with police and fire physical exams at about \$1,500 each, and with catching up on hires they have gone over budget. Postage is from running out of postage money to send out the bills to keep the Town going. Wage Settlement is to help pay for some fill-ins, but mostly they have some retirees coming up and have to pay out all the vacation time. Town Clerk expenses are for advertising for legal notices. ► VOTE: Yes-9, No-0, Absent-0.
- 2. Resolution 17-24: Appropriation: Library Historical Records (Motion to Move Resolution 17-24 Majority Vote (5)). Ms. Pfeffer read the resolution. ►MOTION to Move Resolution 17-24: Appropriation: Library Historical Records, for \$36,000 by Mercer. SECOND by Dellorco. Discussion: ► Ms. Pfeffer stated she is the Chair of the Library Building Committee and the restoration of some of the 1903 library. The Friends of Franklin Library has donated over \$60,000 and the Franklin Library Association has donated close to \$90,000 to digitize historical materials. She described documents already digitized and discussed the historical documents that will be digitized with this \$36,000. When the library re-opens, she wants the library to be able to provide citizens and library patrons with a digitized availability of the past. ► Town Council members thanked Ms. Pfeffer for the hard work she does on that committee. ► VOTE: Yes-9, No-0, Absent-0.
- 3. Resolution 17-25: Appropriation: Snow & Ice Salaries (Motion to Move Resolution 17-25 Majority Vote (5)). Ms. Pfeffer read the resolution. ►MOTION to Move Resolution 17-25: Appropriation: Snow & Ice Salaries, for \$85,000 by Mercer. SECOND by Padula. Discussion: ►Mr. Nutting stated it was a busy winter. They started with \$953,000 and went over by \$85,000. ►VOTE: Yes-9, No-0, Absent-0.
- 4. Resolution 17-26: Appropriation: Roads/sidewalks/drainage/stormwater and infrastructure, and all costs incidental and related thereto (Motion to Move Resolution 17-26 Majority Vote (5)). Ms. Pfeffer read the resolution. ►MOTION to Move Resolution 17-26: Appropriation: Roads/sidewalks/drainage/stormwater and infrastructure, and all costs incidental and related thereto, for \$500,000 by Mercer. SECOND by Jones. Discussion: ►Mr. Nutting stated they rely on Free Cash to do roadwork, so they are taking most of the remaining Free Cash to do streets. It includes police details, engineering, and such related odds and ends. ►Mr. Jones stated he is glad to see some money being put toward roads. ►VOTE: Yes-9, No-0, Absent-0.
- 5. Resolution 17-27: Appropriation: Turf Field Replacement (Motion to Move Resolution 17-27 Majority 2/3 Vote (6)). Ms. Pfeffer read the resolution. ► MOTION to Move Resolution 17-27: Appropriation: Turf Field Replacement, for \$1,373,000 by Mercer. SECOND by Bissanti. Discussion: ► Mr. Nutting requested an amendment. It should state: at the High School football field and High School track and the Beaver Street fields. ► Ms. Pfeffer read the re-worded MOTION: Be it Moved and Voted by the Town Council to transfer \$500,000 from Free Cash and \$873,000 from the Athletic Field Stabilization Fund for the replacement of the turf fields at the High School football field and High School track and the Beaver Street fields by Mercer. SECOND by Jones. ► Mr. Nutting stated they went out to bid; bids were received last week for the two fields and the track. The total is \$1,373,000. They expect to start June 10, 2017 and be done by August 15, 2017, weather

- permitting. ►Mr. Mercer stated money has been put aside for this. We will continue to do that going forward so in 10 to 15 years we will need to do it again. ►Mr. Nutting stated next year they will ask for money to start recharging the account. This requires 2/3 vote because it requires transfer from the Stabilization Fund. ►Mr. Dellorco stated this includes the new wall so it does not flow down into the field. ►Mr. Jones noted this is a well overdue repair. ►ROLL CALL VOTE: Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. ►VOTE: Yes-9, No-0, Absent-0.
- 6. Resolution 17-28: Appropriation: OPEB Trust Fund (Motion to Move Resolution 17-28 Majority Vote (5)). Ms. Pfeffer read the resolution. ► MOTION to Move Resolution 17-28: Appropriation: OPEB Trust Fund, for \$360,000 by Mercer. SECOND by Bissanti. Discussion: ► Mr. Nutting stated it is a fiscal policy to try to put 10 percent of Free Cash into OPEB and increase the annual appropriation by \$50,000 a year. This would meet the policy goal. ► VOTE: Yes-9, No-0, Absent-0.
- 7. Resolution 17-29: Ratification of the Memoranda of Agreements between the Town of Franklin and Nine Municipal Unions (Motion to Move Resolution 17-29 Majority Vote (5)). Ms. Pfeffer read the resolution. ▶ MOTION to Move Resolution 17-29: Ratification of the Memoranda of Agreements between the Town of Franklin and Nine Municipal Unions, allowing for a wage increase of 3 percent, by Mercer. SECOND by Dellorco. Discussion: ▶ Mr. Nutting stated all Union contracts expire on June 2018. But, he reached out to all of them and asked if they would like a one-year addition to those contracts so that their contracts would expire at the same time as the teachers' union and other major school unions expire so that we are all on the same page as we face fiscal issues in the years to come. They all agreed to a one-year deal as outlined and he stated he thinks it is the fair and appropriate thing to do. ▶ Mr. Mercer applauded the efforts of the administration. ▶ Ms. Pfeffer stated this was a brilliant idea. ▶ Chairman Kelly thanked the unions. ▶ VOTE: Yes-9, No-0, Absent-0.
- 8. Resolution 17-30: Acceptance of G.L. Chapter 44, Section 53D, Authorizing a Municipal Revolving Fund for Self-Supporting Recreational and Park Services (Motion to Move Resolution 17-30 Majority Vote (5)). Ms. Pfeffer read the resolution. ▶ MOTION to Move Resolution 17-30: Acceptance of G.L. Chapter 44, Section 53D, Authorizing a Municipal Revolving Fund for Self-Supporting Recreational and Park Services by Mercer. SECOND by Padula. Discussion: ▶ Mr. Nutting stated the intent of this is to avoid the need to transfer funds. Ryan runs a lot of third party programs and we collect all the money and it goes in the General Fund; then have to pay the third-party vendor with money that was not budgeted because Ryan came up with a new program. The revolving account will avoid all that. ▶ VOTE: Yes-9, No-0, Absent-0.

Mr. Bissanti recused himself.

9. Bylaw Amendment 17-789: Amendment to Water System Map – 2nd Reading (Motion to Move Bylaw Amendment 17-789 – Majority Roll Call Vote – (5)). Ms. Pfeffer read the bylaw amendment.
▶ MOTION to Move Bylaw Amendment 17-789: Amendment to Water System Map by Mercer. SECOND by Dellorco. Discussion: ▶ Chairman Kelly noted that several emails from residents were received. ▶ Mr. Bill Masiello, architect for the applicant, Amego, Inc., asked if there were any questions regarding the project plans. ▶ Ms. Pfeffer stated this project did not come through the Economic Development Committee or the Advisory Committee; it just appeared on the Town Council agenda. How many parking spaces do they have? She noted that as they are a non-profit, they do not pay real estate taxes. She asked what is in this for the Town of Franklin? ▶ Mr. Masiello stated about 120 spaces for the school. He stated the two, five-bedroom duplexes would each have two vans and staff persons, so about 10 to 15 cars in total. He stated Amego, Inc. is providing a service for humanity. This is a safety net for people that have nowhere else to go. They have looked at many

sites. Ms. Pfeffer stated this is a narrow country road with all residential dwellings. To have a 30,000 sq. ft. building there with 120 cars that may come in and out daily is a drain on the community. She stated her responsibility is to the Town of Franklin. ► Mr. Padula stated concern for the number of buildings regardless of who is the developer. He cannot vote in favor of this based on the language in the bylaw regarding additional buildings. People in the community have expressed concern regarding the additional water use. He must look at how the development affects the community. ►Mr. Dellorco stated they do need housing for autistic individuals. He stated concern about the cars, buses and vans that would be going in there daily. Mr. Mercer stated he agrees with much of what Mr. Padula said. He questioned why this did not go through EDC. ►Mr. Nutting stated anyone can come forward and apply for a water/sewer permit. He does not consider a school economic development. ►Mr. Cerel stated he drafted it. ►Mr. Masiello stated they could put a cap on the capacity. Chairman Kelly stated he does not know how the vote will go, but if it does not go in favor, he encourages the applicant to come back and work together. \blacktriangleright Mr. Cerel reiterated the context which is an extension of the water map, and the next one for the sewer map; not the use itself. The use itself is a zoning protected use. ►Mr. Robert Bartolini, 850 Summer Street, stated he realizes the importance of education, but opposes the extension of the water/sewer line on Upper Union Street for the following reasons: lack of water, increased traffic flow, and the wetlands. ►Mr. Gary Robinson, 9 Mount Street, stated last year the Town of Franklin had a mandatory water ban due to low water supplies. This year, the Town Council codified the Town's water conservation measures. The Town's website indicates the necessity of such water bans. He reviewed the information on the website regarding water conservation. He stated the plans proposed by Amego would tax the water system; he urged the Town Council to vote No. Mr. Manfred Unkauf, property owner, 881 Upper Union Street, stated the ledge in the area is only a few feet under the surface. They will probably have to blast through ledge to build which may damage the foundation of his 300-year old house. He stated he uses well water. He stated there is a 5-acre parcel in the Franklin Industrial Park for sale for about the same price which is all dry land which has access to water and sewer. He requested the Town Council to not approve the water/sewer extension. ►Ms. Joan McGrath, co-owner of 881 Upper Union Street, stated she opposed this development due to the water use. ►Mr. Christopher Williamson, 11 Mount Street, stated he has a well; the spring on his property is dry. His well has gone down for the past 10 years. This is not the correct location for this development. ▶ A relative speaking on behalf of Karen Bremner, 7 Mount Street, stated Ms. Bremner has been a resident for 52 years. He stated the infrastructure development required for this proposal would be a substantial change in use which falls under the purview of the Massachusetts Environmental Protection Act. A committee of concerned citizens are drafting a petition concerning this to require an environmental impact statement. It would not be appropriate to approve the infrastructure changes until the concerns of Franklin citizens are addressed and regulatory review has been conducted. ►Mr. Steven Cooper, 885 Upper Union Street, stated he has no problem with the school, but it is the wrong location. ▶ Resident, 4 Mount street, stated she and her family have just become residents on Mount Street. She had to pay a great deal for their well because they had to go so deep as they could not get to water. The water is her concern. ▶Mr. Unkauf stated that if too much water is used, the well goes dry. There is not an abundance of water in that area. ▶Mr. Masiello stated that a total water usage for this facility based on the Mass, bylaws was done. The civil engineer calculated a total load of 3,500 gal/day for the school, 316 gal/day for the farm stand, and 1,300 gal/day for the potential 12-bedroom structure; they are looking at approximately 5,100 gal/day. If 12 four-bedroom homes were constructed, it would exceed this water usage. Franklin has hundreds of properties being constructed right now. He thinks there is a misconception about how much water will be used. He stated they have had the entire property flagged and there are no endangered species present. He noted there is a vernal pool in the wetlands. Ms. Pellegri confirmed that the applicant is not a Franklin resident. She asked if other communities were considered. ▶Mr. Masiello stated Franklin is the perfect location with the correct environmental feel. ►Mr. Nutting stated this is an as of right use. ►Mr. Dellorco stated he liked the idea of the Industrial Park area as the buses may get through better. Mr. Masiello

stated that property had an industrial feel and was not right for them. ► Ms. Natalie Robinson, 9 Mount Street, asked why the residents only got to talk about water, but the applicant and Town Council members were allowed to talk about more than water. ► Chairman Kelly stated residents can talk about other aspects at the Planning Board. ► Mr. Jones suggested they approach the Wrentham State School facility as they have much open space and available buildings. ► ROLL CALL VOTE: Dellorco-NO; Jones-NO; Kelly-NO; Mercer-NO; Padula-NO; Pellegri-NO; Pfeffer-NO; Vallee-YES. ► VOTE: Yes-1, No-7. (Mr. Bissanti abstained.)

10. Bylaw Amendment 17-790: Amendment to Sewer System Map – 2nd Reading (Motion to Move Bylaw Amendment 17-790 – Majority Roll Call Vote – (5)). Ms. Pfeffer read the bylaw amendment.
► MOTION to Move Bylaw Amendment 17-790: Amendment to Sewer System Map by Mercer. SECOND by Dellorco. Discussion: ► Mr. Nutting stated this would be an extension of the sewer to the site; they met with the town engineer to work out any issues. It is a separate bylaw about sewer.
► Mr. Masiello stated they were dependent upon the water. He stated if turned down for the water extension, they can go to a private water supply, and if turned down for sewer, they can go to a private sewer system.
► ROLL CALL VOTE: Dellorco-NO; Jones-NO; Kelly-NO; Mercer-NO; Padula-NO; Pellegri-NO; Pfeffer-NO; Vallee-YES.
► VOTE: Yes-1, No-7. (Mr. Bissanti abstained.)

Mr. Bissanti re-entered the meeting.

- 11. Bylaw Amendment 17-791: New Chapter 73, Departmental Revolving Funds 1st Reading (Motion to Move Bylaw Amendment 17-791 to a 2nd Reading Majority Vote (5)). ► MOTION to Waive the reading by Mercer. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. ► MOTION to Move Bylaw Amendment 17-791: New Chapter 73, Departmental Revolving Funds to a 2nd Reading by Mercer. SECOND by Padula. Discussion: ► Mr. Nutting stated the Municipal Modernization Act requires the Town to pass the bylaw for revolving funds even though the Town has had them for years. ► VOTE: Yes-9, No-0, Absent-0.
- 12. Zoning Bylaw Amendment 17-792: Use Regulations for Brewery, Distillery, or Winery with a Tasting Room Referral to Planning Board (Motion to refer Zoning Bylaw Amendment 17-792 to the Planning Board Majority Vote (5)). Ms. Pfeffer read the zoning bylaw amendment.
 ▶ MOTION to Move Bylaw Amendment 17-792: Use Regulations for Brewery, Distillery, or Winery with a Tasting Room Referral to Planning Board by Mercer. SECOND by Dellorco.
 Discussion: ▶ Mr. Hellen stated there was a small oversight; at the last meeting, the use table was not included. This will catch it up for the Planning Board hearing scheduled for May 22, 2017. ▶ Mr. Bissanti asked about the rezoning of a neighborhood business. ▶ VOTE: Yes-9, No-0, Absent-0.

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting stated that if the weather cooperates, the DelCarte playground should open by this weekend. Great job getting it ready. ► There is a lot of street construction in Franklin right now; slow down when driving and pay attention to the signs. It is a public safety issue. ► Budget hearings on May 24 and 25; the public is invited to attend.

FUTURE AGENDA ITEMS: ► Mr. Bissanti stated the Town Council might want to add neighborhood businesses. ► Chairman Kelly stated he would put it on the list and have it up for discussion.

COUNCIL COMMENTS: ► Mr. Bissanti thanked the Horace Mann Committee for the wonderful job they did with the statue presentation unveiling. He thanked the Planning Board members; the project would not have happened without Chairman Padula, Vice Chairman Halligan, and all the other members. They did a great job. ► Ms. Pfeffer discussed how the City of Boston was testing water in schools and finding significant amounts of lead. ► Mr. Nutting stated it was already tested here. ► Ms. Pellegri thanked everyone that was part of the ceremony on Sunday for the unveiling of the statue. She stated

there are only 26 coffee mugs remaining; if anyone wants one, please let her know. ►Mr. Padula thanked everyone involved with the statue; they did a great job. He thanked Dean College as they provided a scholarship for someone from Town. ►Mr. Mercer stated it was a great job by the entire Committee and the Town. He thanked Roger Calarese for donating that piece of property to allow the Town to do that.

EXECUTIVE SESSION: None.

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 9:02 PM.

Respectfully submitted,

Judith Lizardi Recording Secretary