

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
March 22, 2017**

A meeting of the Town Council was held on Wednesday, March 22, 2017 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones, Matthew Kelly, Thomas Mercer by remote, 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: March 1, 2017. ► **MOTION** to **Approve** the March 1, 2017 meeting minutes by **Jones**. **SECOND** by **Dellorco**. **No Discussion**. ► **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.**

ANNOUNCEMENTS: ► Chairman Kelly announced that Mr. Mercer would be attending via telephone. ► 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: *None.*

PRESENTATIONS/DISCUSSIONS: ► *Auditors.*

1. Annual Financial Statements for the year ended June 30, 2016. ■ Susan Gagner, Comptroller; Zackary Fentross, Audit Manager of Melanson Heath; Frank Biron, Partner/Owner of Melanson Heath; and Jim Dacey, Treasurer/Collector, addressed the Town Council. ■ Mr. Biron stated they provided audit services for the year end June 30, 2016. ■ Mr. Fentross reviewed highlights from the financial statements and discussed the management letter with recommendations. He stated the Independent Auditor's Report is what Melanson Heath was hired to do. The Town has received a clean opinion which means there are no exceptions; it is the best opinion that can be received from an independent audit firm. He reviewed the Management's Discussion and Analysis pages. Moving on to the Statement of Net Position for the Town of Franklin (page 14), he discussed the Noncurrent Liabilities, Other Post-Employment Benefits total of \$48,497,296. He stated that this liability is recorded over a 30-year period. The current \$48 million balance is not the full liability. In 2018, the full balance of this liability will be recorded on the Statement of Net Position. The full liability is \$92 million (page 49). He discussed Net Pension Liability with balance of \$41,346,324 (page 14). This is an increase of approximately \$1 million from the prior year. This represents the Town's proportionate share of the Norfolk County Retirement System. He reviewed the Town of Franklin Balance Sheet (page 16). He noted under General Fund, Property Taxes a balance of \$1,313,050. The detail of what makes up those taxes is on page 37. He stated this shows the Town is doing a good job of collecting taxes or placing tax liens in a timely manner. He stated Franklin's Unassigned Fund balance was equal to about 10 percent of the Town's budget which shows the Town is in a good financial position; this is a favorable figure for the Town. He continued to review the Statement of Revenues and Other Sources. He discussed the Statement of Changes in Fiduciary Net Position (page 25) and focused on the OPEB Trust Fund. Contributions to the Fund were \$622,000; at the end of the year there was a balance of \$2,172,234. This will reduce the total liability of the OPEB. ■ Mr. Biron summarized that

the financial statements were very strong and he thinks the bond rating agencies would agree. In the evaluations received from the bond rating agencies, they have spoken very highly of the numbers and the policies and the financial team Franklin has in place. He stated that the Town has Enterprise Funds for water, sewer and solid waste; all three had positive operating results for the year. In response to Town Council members' questions, Mr. Biron stated that the better the bond rating, the lower the interest rate. So, it saves the Town money when they have projects. In regards to OPEB contributions, he noted that the Town put in \$600,000 which is very good. He stated the Town does have a very large liability, but noted that other MA municipalities do as well. He remarked that the Town is in about the 75th percentile making contributions to the OPEB liability.

2. **Management Letter for the year ended June 30, 2016.** ■Mr. Fentross stated they also looked at the Town's internal controls to ensure that assets are properly safeguarded and if any improvements or deficiencies were identified. In 2016, the Town did not have any material weaknesses which is very good. He reviewed recommendations for the Town including to develop a more formal risk assessment process, implementation of new GASB standard, and consider reauthorizing OPEB Trust Fund under new legislation. ■Mr. Nutting stated the only way OPEB is going to get resolved is with legislative relief. He stated the \$93 million will grow because the rules and the way they account for it are changing. ■Mr. Helen noted that Mr. Nutting and Maureen Sabolinski, Superintendent, signed a letter indicating that OPEB was a legislative priority. The Town has been on record advocating for this. ■Ms. Pellegrini stated the residents should be pleased hearing this report and pleased with the Town administrators for doing a great job. ■Mr. Nutting thanked Jim and Sue; this will be their last audit. ■Mr. Jones said these reports are tremendous and thanked everyone for their hard work.

HEARINGS: ► **On Whether to Exercise the Town's First Refusal Option to Purchase Land on Washington Street.** ► **MOTION to Open the hearing by Jones. SECOND by Dellorco. (No vote taken to open the hearing.) Discussion:** ► Mr. Nutting stated under Massachusetts General Law, landowners with significant acreage in open-space, wood, or agriculture can apply for a tax exemption or reduction under Chapter 61. That allows them to keep the land and not sell it; if they go to sell it, the Town has first option of refusal. In this case, there is a 12-acre parcel on Washington Street, near the Bellingham line, that is going through the process and the Town has the right of first refusal. Immediately adjacent to this parcel is three other Town-owned parcels for about 52 acres of land. He thought it made sense to acquire this land. The 12-acres cost \$212,500. There are utility easements across it, but he stated it is short money to guarantee future generations options for the land. The public hearing is to see if there are any comments from citizens. Later in tonight's agenda is a resolution to determine how the Town Council would like to proceed. In response to Town Council members' questions, Mr. Nutting stated there are two utility easements: a gas line and small electric line. ■Mr. Vallee stated he would like the opinion of realtors to get a better idea if it is worth buying. ■Mr. Nutting stated even if it was one house lot, it would probably cost \$200,000. ■Ms. Pfeffer stated it was a good idea to purchase it, but not with the Conservation money. If it is purchased with Conservation money, it can only be used for Conservation. ■Mr. Nutting stated it would be purchased with Free Cash; this leaves all options available. ■Mr. Cerel stated there is a signed purchase and sale agreement of another offer. The statute spells out the process when there is a third-party buyer. He stated that the Town matches the third-party offer or the Town declines; there is no other choice under the statute. ■Mr. Jones stated agreement with Ms. Pfeffer regarding purchase of this property. ■**Chairman Kelly declared the hearing Closed.**

LICENSE TRANSACTIONS: ► **British Beer Company – Change of Manager.** ► Ms. Pfeffer read the license transaction. **MOTION to Approve the request by Franklin BBC, LLC d/b/a British Beer Company for a change of Manager from Daniel Whittenberger to Ryan Patrick Potter by Jones. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated he wanted to make sure the person is trained and up to speed. ► Mr. Padula confirmed Mr. Potter has been doing this since 2009 and has managed and supervised TIPS training. ► Mr. Potter stated he is taking over the previous manager's position and acting

as the manager now. ► Mr. Nutting confirmed there was a violation there about three years ago and the Town does not want that to happen again. ► Mr. Potter said he was not working at that location at that time. ► **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.**

SUBCOMMITTEE REPORTS: ► Mr. Bissanti stated the EDC met tonight and discussed breweries and distilleries and a new zone for them. It was a great meeting and he thinks they are going to want to endorse that to the Town Council. ► Mr. Jones said everything was going smoothly on Communications.

LEGISLATION FOR ACTION:

1. **Resolution 17-17: Acceptance of Access Easement Over Property at 121 Longhill Road (Motion to Move Resolution 17-17: Majority vote (5)).** Ms. Pfeffer read the resolution. ► **MOTION to Move** Acceptance of Access Easement Over Property at 121 Longhill Road by **Jones. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated that for many years the Town has had a public safety antenna on this property through the landowner's generosity, but thought it was best to get an easement in case the land was to ever turn over. They were gracious enough to grant the Town an easement. So, going forward the Town will have legal right. He stated money must be appropriated to move some of the equipment; this will come before the Town Council. He thanked the French family for allowing the Town to continue to keep their antennas there. ► **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.**

2. **Resolution 17-18: Order of Franklin Town Council, Exercising Town's G.L. Chapter 61, Section 8 First Refusal Option, RE: Land of William C. Roode and Jeanne M. Roode, Containing Approximately 12.5 Acres on Washington Street, Title Reference: Norfolk Registry of Deeds Book 5501, Page 521 (Motion to Move Resolution 17-18: 2/3 Majority vote (6)).** ► **MOTION to Waive** the reading by **Padula. SECOND** by **Dellorco. No Discussion.** ► **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.** ► **MOTION to Move** Resolution 17-18: Order of Franklin Town Council, Exercising Town's G.L. Chapter 61, Section 8 First Refusal Option, RE: Land of William C. Roode and Jeanne M. Roode, Containing Approximately 12.5 Acres on Washington Street, Title Reference: Norfolk Registry of Deeds Book 5501, Page 521 by **Jones. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this is up to the Town Council. ► **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.**

3. **Resolution 17-19: Redirect Bond Proceeds (Motion to Move Resolution 17-19: Majority vote (5)).** Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-19: Redirect Bond Proceeds by **Jones. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated this is a resolution for some housekeeping to clean up some old accounts and take them off the books. The unexpended bond proceeds have to go to a project of equal length which is why they are going to the library project. ► Ms. Pfeffer asked why it was only found now that there was money left over from 1995 and 2002 projects. Was there never a project that this money could have been used for? ► Mr. Nutting stated there was probably a project that it could have been used for, but he thinks it just sat on the books. He stated that when the high school and library are done, the Town will have that leftover money also. ► **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.**

4. **Bylaw Amendment 17-787: Chapter 179, Water – 1st Reading (Motion to Move Bylaw Amendment 17-787 to a 2nd Reading: Majority vote (5)).** Ms. Pfeffer began reading the bylaw amendment. ► **MOTION to Waive** the reading by Jones. **SECOND** by Vallee. **No Discussion.** ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move** Bylaw Amendment 17-787: Chapter 179, Water, to a 2nd reading by Jones. **SECOND** by Dellorco. **Discussion:** ► Mr. Nutting reminded the Town Council that a few weeks ago they had a discussion with the DPW about water bylaws and to codify what the Town has done during water bans and water restrictions. This removes from the bylaw the issue of private wells. It is basically the same resolution without any implication to private wells other than they have to put up a sign that indicates it is a private well which helps in enforcement. ► Mr. Cerel stated there is a penalty for false posting that there is a private well and there is not. ► Ms. Pellegrini stated she sees no provision for someone building a new house and they would like to put in a new lawn. Are they able to get any kind of special permit to do that? Should some kind of provision be put in? ► Mr. Nutting stated No. He stated the water restriction is usually June to Labor Day, unless we are in a drought. He said they tell people to start lawns in September or April and then they still can water once a week. He said the Town does not have the ability to waive it if in a drought because it is in the permit. ► Mr. Bissanti asked who wrote the bylaw. ► Mr. Nutting stated Laurie Ruszala and Mr. Cerel. ► Mr. Bissanti stated what he is seeing is another atypical bylaw that they are swatting a fly with a sledge hammer. He thinks they are not giving the Franklin people enough credit if we asked them to conserve their water use, not ban their water use. He thinks the majority of people will heed it. He would also like to hear the opinion of the retired water consultant. ► Mr. Nutting stated the person is retired. All he does is find wells. ► Mr. Vallee stated he is a very knowledgeable person. ► Mr. Nutting stated all this does is codify what we have been doing for 15 years. Most of it is required by the Town's permit. ► Mr. Bissanti asked why the Town Council cannot hear from the retired water consultant. ► Mr. Nutting stated he does not think he works anymore. How could he comment on a bylaw? ► Mr. Bissanti stated he has his number; could he reach out to him? ► Mr. Nutting stated maybe the person can come in between the first and second reading. ► Chairman Kelly stated that if Mr. Bissanti reaches out to him, he would love to have him at the next meeting. ► Mr. Bissanti asked about the signage requirement. Who is going to get the signs made? ► Mr. Nutting stated the private property owner. ► Mr. Bissanti remarked that the Town is going to make the property owners have signs made to identify their well use. ► Mr. Nutting stated signs are available at a hardware store. ► Mr. Bissanti stated it is still a chore and an expense to a resident. He thinks it should come from the DPW so it could be recorded to whom it is given to and the address. ► Mr. Nutting stated if they are drinking wells, the Board of Health has all that information. He stated the phone rings constantly about neighbors complaining, so if a private well homeowner puts a sign up, it saves aggravation for everyone. ► Mr. Bissanti asked how the Town was going to enforce false well heads and false private well signs. He stated he does not like the way the bylaw is written. He thinks they have to ask Franklin residents, not tell Franklin residents, what to do on their own property. ► Mr. Nutting reiterated that DEP specifically puts restrictions in the Town's permit during the summer. The Town has to follow that or the Town is in violation. ► Mr. Bissanti continued to question the bylaw and discussed the water presentation at a previous Town Council meeting. ► Mr. Dellorco confirmed that all they are asking is that the private well owner put up a sign for lawn watering and then they can use their well water whenever they want. ► Mr. Nutting stated there is no control over private wells; they only have to put up a sign if using well water to water the lawn. ► Mr. Cerel stated this is improvement in clarification of what is in the bylaw right now. ► Chairman Kelly reiterated that Mr. Bissanti was going to get the water specialist to come to the next meeting. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting stated the snow and ice budget started with \$953,000 and now at \$1,040,000 which is over budget by about \$85,000-\$90,000. Had a higher than average year. Will have to pay for that out of Free Cash when the time comes. He stated he gave the Town Council members a revised Classification Plan which changes the classification of a couple of jobs. He would be happy to talk about it at a future meeting if anyone has any questions. He stated they received an application today for 44 units of Affordable Housing on Chestnut Street behind Franklin Ford. He will be meeting with the State in a week to start that process. He noted that executive session will be needed for collective bargaining. ► Mr. Hellen reminded everyone that April 1st is the annual date to register all dogs with the Town Clerk's office; it can be done online.

FUTURE AGENDA ITEMS: ► Mr. Bissanti requested to amend the alcohol awareness item. ► Ms. Pellegri would like someone from the Ethics Commission to give a presentation to the Town Council.

COUNCIL COMMENTS: ► Ms. Pellegri reminded everyone that the dedication for the Horace Mann statue is May 7, 2017 at 11:00 AM; everyone is invited. ► Mr. Vallee wanted to reinforce Ms. Pellegri's comments on the Town's leadership as they do an excellent job. He asked for the cost of the annual audit. ► Mr. Nutting stated it costs \$35,000. They usually keep the same auditor for several years because then they get a chance to look at different areas. This auditor will be kept for one more year. ► Mr. Jones thanked everyone that came out Sunday for the St. Patrick's Day 5K run hosted by the Police and Fire Departments. God Bless to everyone affected by the tragedy in London today. Happy Birthday to Chairman Kelly. ► Mr. Dellorco gave a shout-out to the Franklin High School Basketball team for going as far as they did. They did a great job and good luck next year. ► Mr. Bissanti stated he is very proud of the basketball team. ► Chairman Kelly stated they are going to try to get the basketball team to a future meeting to thank them for their performance. ► Ms. Pfeffer congratulated the basketball team. She discussed the Milford News. She stated we are a city that calls itself a town. There are 34,000 people. We are bigger than Milford. We have one newspaper in Town, the Milford News. We pay them over \$20,000 a year for legal notices. The Country Gazette is just a reiteration of what is in the Milford News that week. Things happen in Franklin and they are not covered in the Milford News. She noted the Clark Cutler McDermott Company closed; it was in Franklin since 1911 and there was no mention about it in the Milford News. She stated the Franklin Senior Center had a grand re-opening, then a sprinkler broke and it was closed for five days. There was no information about this in the Milford News. She stated there was a meth lab in Franklin; every news station in Boston was here covering the story. There was nothing about it in the Milford News. She stated the Milford News has a new editor; he should be brought in and asked why Franklin news is not covered on a consistent basis in the Milford News. ► Mr. Nutting thanked Dale Kurtz for the great display in the Town Hall lobby on the Vietnam War. ► Mr. Jones stated everyone can tune into Franklin TV to watch the 4th episode of Franklin Almanac which covers everything Franklin. The episodes are broadcast on YouTube as well.

EXECUTIVE SESSION: *To discuss strategy with respect to collective bargaining: all Municipal units.* **MOTION to Move** that Town Council enters executive session to discuss strategy with respect to collective bargaining: all Municipal units by **Pfeffer. SECOND** by **Padula.** ► **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.**

Town Council Meeting Public Session ended at 8:07 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary