



FRANKLIN TOWN COUNCIL

Agenda & Meeting Packet

May 8, 2019

Municipal Building
Council Chambers
355 East Central Street
2nd Floor
7:00 PM

1. ANNOUNCEMENTS

- a. *This meeting is being recorded by Franklin TV and show on Comcast channel 11 and Verizon Channel 29. This meeting may be recorded by others.*

2. CITIZEN COMMENTS

- a. *Citizens are welcome to express their views for up to five minutes on a matter that is not on the agenda. The Council will not engage in a dialogue or comment on a matter raised during Citizen Comments. The Town Council will give remarks appropriate consideration and may ask the Town Administrator to review the matter.*

3. APPROVAL OF MINUTES

- a. April 24, 2019

4. PROCLAMATIONS/RECOGNITIONS- None

5. APPOINTMENTS

- a. Franklin Cultural District , Roberta DeBaggis Trahan

6. HEARINGS- None

7. LICENSE TRANSACTIONS

- a. La Cantina Winery Company, Farmer Winery, Farmers Market

8. PRESENTATIONS/DISCUSSIONS

- a. Senate President Karen Spilka, Senator Rebecca Rausch, State Representative Jeffrey Roy
- b. Franklin Ridge Senior Housing Proposal

9. SUBCOMMITTEE REPORTS

- a. Capital Budget Subcommittee
- b. Budget Subcommittee
- c. Economic Development Subcommittee

10. LEGISLATION FOR ACTION

- a. Resolution 19-31: Franklin Ridge Senior Housing Development (**Motion to Approve Resolution 19-31- Majority Vote (5)**)
- b. Bylaw Amendment 19-838: Amendment to the Franklin Town Code at Ch. 153 Stormwater Management-**2nd Reading (Motion to Adopt Bylaw Amendment 19-838- Majority Vote (5))**
- c. Bylaw Amendment 19-841: Municipal Service Fees- Ten Day Recycling Sticker- **2nd Reading (Motion to Adopt Bylaw Amendment 19-841 - Majority Vote (5))**

11. TOWN ADMINISTRATOR'S REPORT

12. FUTURE AGENDA ITEMS

13. COUNCIL COMMENTS

14. EXECUTIVE SESSION - None Scheduled

15. ADJOURN

Note:

Two-Thirds Vote: requires 6 votes

Majority Vote: requires majority of members present and voting

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
April 24, 2019**

A meeting of the Town Council was held on Wednesday, April 24, 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, Peter Padula, Deborah Pellegrini. Councilors absent: None. 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: ► Mr. Kevin Sullivan, 35 Newell Drive, stated that he attended the Planning Board meeting on April 22, 2019, along with about 100 of his neighbors, regarding the proposed development off Maple Street that abuts his property. The developers are proposing 50-plus houses in both a conventional and an open-space plan. While he appreciates the gesture of donating 25-plus acres to the Town in an open-space plan in exchange for building the 50-plus houses on smaller one-third acre lots, the development would be wedged in between four or five existing neighborhoods. He stated that he did some reading on the Town website and it is a Chapter 61B property; the Town has the ability to purchase that land. He knows that at previous Town Council meetings there have been discussions to purchase some Chapter 61B land. Here is aware there is a fund of about \$1 million set aside for the Town to purchase such land. He noted that this land abuts other open space land owned by the Town and the state. There is the ability to join these lands altogether, as it affects so many neighbors. He asked the Town Council and any other committees responsible for such decisions to consider the purchase.

APPROVAL OF MINUTES: ► *April 10, 2019.* ► **MOTION** to **Approve** the April 10, 2019 meeting minutes by **Kelly**. **SECOND** by **Dellorco**. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: ► *Swearing in of Police Officers.* ► Police Chief Thomas Lynch introduced new police personnel: Officer Koblick and Officer Lacasse. He reviewed their education and backgrounds. ► Town Clerk Teresa Burr performed the swearing in. ► Chief Lynch reviewed personnel unit changes; Officer Baker and Officer Colecchi were both moved into the Detective Unit, and Officer Gove has been moved to the Community Services Unit. ► Town Council members welcomed the new police officers and congratulated those with new positions. ► Mr. Hellen noted the police chief's contract was up this year; he announced a five-year contract was signed to retain the services of Police Chief Lynch.

Chairman Mercer called a brief recess.

APPOINTMENTS: *None.*

HEARINGS: *None.*

LICENSE TRANSACTIONS: *None.*

PRESENTATIONS/DISCUSSIONS: ► *Old Meeting House on Washington Street Discussion.* ► Mr. Nutting provided background on the building located at 762 Washington Street. He stated it was built in the 1850s as a church. It is one of the most important historical buildings in Franklin. It was turned over to the

Town's Historical Commission in 1972; the deed came with a caveat that the property needed to be maintained in proper fashion to not be turned back over to the church. The building housed the Town's historical artifacts until 2007 when the museum opened downtown. In 2015, an architectural review was done of the building. At that time, it was estimated to cost about \$540,00 to bring it up to building code compliance; it did not include many items. Today, to do it all and bring it up to code may cost about \$1 million. Since the building has been empty, there have been many thoughts about a possible use. There are considerations such as cost, parking, maintenance, zoning, and the neighbors. This meeting is to start a discussion. He stated that it is important to preserve the building. He questioned how and for what should it be preserved. He stated that they must also think about Franklin's future including the budget. He stated that the FY 20 budget will be presented to the Town Council in May; there is about a \$2.5 million gap. He thinks an override will absolutely be needed for FY 21. He discussed upcoming capital improvements and noted there is a lot of financial pressure the community will face. He stated that letters to abutters were sent alerting them to this meeting and there is information online, as well. He reviewed some of the past ideas for uses for the building. It is currently not zoned for any use; anything beyond educational, government, or exempt by law would require a variance. He stated that the water pump station at the rear of the building would be maintained no matter what happens to the building. ► Chairman Mercer noted the walk through of the Meeting House just prior to tonight's Town Council meeting. ► Rev. Patricia Hatch, 118 Cottage Street, stated she serves a wide area. She stated the Meeting House venue would meet the needs of many people and families in the wider community who are not attached to any particular religious community. She would like to see the building as a public venue for rites of passage ceremonies, concerts, recitals, reunions, etc. She suggested the Thayer House in Medway be looked at as an example; Medway owns and rents it for many uses. ► Mr. Owen Acton, 1 Colt Road, stated that his property directly abuts the church. He would like to see it restored to its historical use. He stated that he read the architectural report and it seems like the price of \$500,000 was inflated. Not everything has to be done right away. If it was on the Massachusetts Register of Historical Places, there would be exemptions from some of the requirements to bring it up to code. He would like to see it preserved in the best way possible. ► Mr. Alan Earls, 23 Marvin Avenue, stated this is something that has been going on for too long. It is a matter of priorities. How can we preserve what people have come to Franklin for? He stated that he thinks creative people could make it happen below the reported cost to bring it up to code and that the Thayer House example is fantastic. ► Mr. Chris Wetmore, 9 Gwynne Road, stated that he is concerned with turning the building into a use facility as there is no parking so everyone will park in the neighborhood congesting the streets and there are already Washington Street traffic issues. Being aware of the shortfalls in the budget, he would like to make sure the building is preserved, but not push it any further in terms of expense or traffic. ► Mr. Ralph Delucia, Old Forge Hill Road, stated he would like to see it continue to be a meeting house. There are many organizations in Franklin that have no meeting place. The Town could come up with a reasonable monthly rent and have these clubs either pay rent or help with maintenance. ► Mr. Jones asked for the assessed value of the building. ► Mr. Nutting stated the assessed value is about \$280,000. DPW maintains the grounds. There has been no real cost to the building at this time as it has not been used. He stated that the report indicates there are many items to be brought up to code. To open it as a public use facility, everything has to be up to code. ► Mr. Earls asked how the outlook changes for the building if it is listed on the Historic Places registry. He asked about options to solicit donations or volunteer hours for the building. ► Mr. Nutting stated he would defer to the Building Commissioner to provide a report to answer the building code questions. Under the law, an architect has to be hired and there is a public process of going out to bid. Someone cannot just come in and put in a system. If the Town Council decides to fix the building, then it will go through a public construction process just like the school and the library. ► Mr. Cerel stated the National Register of Historic Places usually increases costs because it is required that all work on the building comply with special regulations, for instance, everything has to be period acceptable. ► Mr. Nutting stated the use would have to be defined first and then possibly go for the designation. He noted that the Thayer House in Medway cost over \$4 million to renovate. The Town of Medway has a special fund for that which Franklin does not have. ► Mr. Cerel noted that every town that has historical structures struggles with this problem. ► Mr. Dellorco asked if there was a more up-to-date cost. ► Mr. Nutting stated that for probably less than \$10,000 a new estimate could be done; he noted construction inflation has been great in the past few years. ► Chairman Mercer indicated that renovation is more expensive than new construction. He agreed with Mr. Nutting that the architectural firm should update

the estimate so they can tell the public the correct cost. Everything that is wanted and needed for the building should be included in the estimate. ► Mr. Kelly stated this is like the old town hall and the high school, both of which had to be taken down and replaced. This is the M.O. of the Facilities Director; it is lack of taking care of the properties. He stated that we should move on and get someone who really cares about our Town and our buildings. ► Mr. Nutting stated that he could not disagree more; he does not believe there is a town in the Commonwealth that has better maintained buildings than the Town of Franklin. ► Ms. Pellegrini stated she is in favor of keeping the building; it should not be sold. She liked the idea of having the building for group meetings. What about allowing a corporation or non-profit group to buy it, fix it, and run it? ► Mr. Nutting stated it would have to be rented seven nights per week to get any money. ► Mr. Cerel said it could be done if it was truly a separate entity that purchased it. ► Ms. Pellegrini stated that her second thought is to move the Meeting House next to the Historical Museum downtown; it would involve purchasing a parcel of land. ► Mr. Nutting stated the building is going to be preserved. However, you could never use it for a public use and charge enough money to ever pay for the renovations needed. Is there another way to preserve the historical value? ► Mr. Hellen discussed the Community Preservation Act and stated the money is no longer matched dollar for dollar, but rather 11.5 cents on the dollar; you have to go to the ballot for the CPA. ► Mr. Jones asked if the building is a hazard. He stated he agrees that a new estimate, covering everything, should be done. ► Mr. Nutting stated the building is unsafe at this time. ► Mr. Earls asked if a subcommittee should be considered regarding this building. ► Chairman Mercer stated more information is needed before putting something like that together. He stated that the way he sees it at this time is that everyone agrees to preserve the outside of the building in the best way no matter what is done with it. There are a few ways to deal with it. Sell the building for whatever it becomes on the inside and have it decided that the outside would remain preserved. Or, spend the money necessary to fix the building and use it as a meeting house. Or, the Town could outright sell it. His feeling is to find out what the actual number is for the Town to bring it up to code. Once we have that number, we can make an intelligent decision as to what direction we want to go. The last report did not include everything. He stated that he feels the Town Council members are in agreement to spend the money to get the report updated. ► Town Council members informally agreed. ► Mr. Nutting stated that he would get a price for a new estimate and bring it to the Town Council for a vote, probably at a June meeting. Then, the architect may get a price estimate back to the Town by fall. He suggested Building Commissioner Gus Brown be at the meeting, as well. ► Ms. Mary Olsson, Historical Commission member, stated it is a great building and preservation is the way to go. She stated there were a lot of great ideas. She supports renovation and would like to see about grants. ► Chairman Mercer requested that anyone with ideas or suggestions drop a note to a Town Council member or to the Administration.

SUBCOMMITTEE REPORTS:

- a. *Capital Budget.* ► Mr. Dellorco stated that he had nothing to report at this time.
- b. *Budget.* ► Mr. Padula stated he expects that soon he will have a date for a meeting, probably in June.
- c. *Economic Development.* ► Mr. Kelly stated that a meeting will be scheduled for June.

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. *Bylaw Amendment 19-841: Municipal Service Fees – Ten Day Recycling Sticker – 1st Reading (Motion to Move Bylaw Amendment 19-841 to a 2nd Reading - Majority Vote (5)).* ► **MOTION to Waive** the reading by Padula. **SECOND** by Kelly. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Move** Bylaw Amendment 19-841: Municipal Service Fees – Ten Day Recycling Sticker to a 2nd reading by Kelly. **SECOND** by Dellorco. **Discussion:** ► Mr. Nutting stated that a few years ago a \$10 fee for a two-week pass was instituted. About 240 people per year get the sticker. The consensus of the staff is that most people who purchase a two-week sticker is for cleaning out a house and moving. He suggested that as the price of the full-year sticker has been increased, the price of the 10-day sticker should increase, as well. The fee was never imbedded in the bylaw. So, the fee should be put in the bylaw or done away with. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► *S&P Bond Rating.* ► Mr. Hellen reviewed the bond rating process. He stated that the Town was able to maintain its AA+ rating which is an excellent rating. He noted page 5 of the S&P report under the "Outlook" section and reviewed both the upside and downside scenarios provided. He summarized that Franklin is on the fence to either increase its bond rating or have that bond rating go down. This has an important reciprocal affect for the Town on money and funding, interest rate and debt service, borrowing ability, and position in the financial market. He is glad they were able to retain this bond rating for the past several years. This report is a public document and will be posted on the Town's website under the budget page. ► Mr. Hellen stated the annual classification plan has been put out along with a new employee manual. If Town Council members have any comments on these, please let him know within the next 30 days. These are scheduled to go into effect at the end of May. ► He thanked Ms. Karen Bratt and Ms. Lisa Trainor for the employee benefits fair at the Senior Center. The attendance was great from both the school and town sides. They hope to do this on an annual basis. ► Mr. Hellen stated ArtWeek starts on Saturday, April 27, 2019. There is a link on the Town website and on Facebook and Twitter. People can buy tickets in advance for the food trucks and beer garden. ► Town Council members clarified information about the S&P Report. ► Mr. Hellen noted that the Earth Day celebration and volunteering is this Saturday, 9:00 AM to 12:00 PM, at Beaver Street and DelCarte.

FUTURE AGENDA ITEMS: *None.*

COUNCIL COMMENTS: ► Mr. Earls stated concern about "Button-Island" which is a small gorge where Mine Brook feeds into the swamplands. This is near the former Incontro Restaurant. He stated that someone is running tours on this Town land and pulling buttons out of the stream and selling them. The person also has YouTube videos. ► Mr. Nutting requested the information be provided to him and he will look into it. ► Ms. Hamblen emphasized ArtWeek and encouraged people to buy tickets. ► Mr. Casey stated the annual Empty Bowls Dinner is on May 2, 2019, from 6:00 PM to 8:00 PM at the Franklin High School. The event raises funds for the food pantry. The cost is \$20 for adults and \$10 for children and students. Tickets must be purchased in advance at Franklinfoodpantry.org. He noted that the Safe Coalition Peer to Peer Race for Recovery 5K is on Sunday, April 28, 2019, at 9:00 AM, at the Remington Middle School. This third annual event is to promote opioid awareness and highlight recovery. The cost is \$20. ► Mr. Dellorco stated the Safe Coalition won an award from the YMCA for the community work they have done and how far they have come in the past five years. ► Mr. Jones said Happy Birthday to Chairman Mercer. ► Chairman Mercer noted ArtWeek starts this weekend; this is the first ArtWeek since the Cultural District designation. He asked everyone to come out and support ArtWeek.

EXECUTIVE SESSION: ► *Collective Bargaining: All Municipal Units.* ► *Pending Litigation: Litigation Challenging Current GR-V Zoning at 278-300 West Central Street.* ► Chairman Mercer read the executive session statement to discuss strategy with respect to Collective Bargaining: All Municipal Units, and to discuss strategy with respect to Pending Litigation: Litigation Challenging Current GR-V Zoning at 278-300 West Central Street. He noted the open session will not reconvene at the conclusion of the executive session. ► **MOTION to Move** that the Town Council go into Executive Session for the purposes to discuss strategy with respect to Collective Bargaining: All Municipal Units, and to discuss strategy with respect to Pending Litigation: Litigation Challenging Current GR-V Zoning at 278-300 West Central Street by **Jones**. No **SECOND** given. **No Discussion.** ► **ROLL CALL VOTE:** Casey-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Earls-YES; Mercer-YES; Padula-YES; Pellegri-YES. ► **VOTE: Yes-9, No-0, Absent-0.** ► **The open session of the Town Council Meeting adjourned at 8:27 PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary



APPOINTMENTS

Franklin Cultural District

Roberta DeBaggis Trahan
1 Green Street

The Franklin Cultural District has recommended the appointment of Roberta DeBaggis Trahan to serve as a member of the Franklin Cultural District with an expiration of June 30, 2021.

MOTION to ratify the appointment by the Town Administrator of Roberta DeBaggis Trahan to serve as a member of the Franklin Cultural District.

DATED: _____, 2019

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

RECUSED _____

Glenn Jones, Clerk
Franklin Town Council



Town of Franklin MA

355 East Central Street
Franklin, MA 02038
Phone: 508-520-4949

Volunteer Form

Good Government Starts with You

Date Submitted: April 29, 2019

Name: Roberta DeBaggis Trahan

Home Address: 1 Green Street
Franklin

Mailing Address:
Franklin

Phone Number(s):

Email Address: trahanroberta@gmail.com

Current Occupation/Employer: Retired RN

Narrative: I am retired but would like to know what time commitment would be expected. I have been involved in the initial Cultural Committee and have ties to FSPA/FPAC. I am also a BOD member of Franklin Downtown Partnership.

Board(s) / Committee(s): ___ CULTURAL DISTRICT COMMITTEE



License Transactions:

Robert Vozzella
La Cantina Winery Company
355 Union Street

This is a request for a Farmer- Winery, Farmer's Market License to allow samples and sale of wine at Franklin's Market pursuant to Chapter 138, §15F.

Mr. Vozzella has obtained all state requirements, attached.

MOTION to approve the issuance of a Farmer Winery, Farmer's Market License to Robert Vozzella, La Cantina Winery Company.

DATED: _____, 2019

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

RECUSED _____

A True Record Attest:

Teresa M. Burr
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

APPLICATION BY A FARMER WINERY FOR LICENSE TO SELL AT A
FARMER'S MARKET
(CH.138, §15F)

YEAR 20

19

1. Licensee Information:

Name of Applicant: ABCC License Number:
(If Existing Licensee)
Mailing Address: Business Name (d/b/a if different):
Manager of Record: City/Town: State: Zip:
Phone Number of Premises:
Other Phone: Email: Website:
Contact Person concerning this application (attorney if applicable):
Name: City/Town: State: Zip:
Address: Email:
Contact Number: Fax Number:

2. Event Information:

A. Farmer's Market licenses are only permitted at events that the Department of Agriculture has certified as Agricultural Events.
Please attach document from Department of Agricultural Resources certifying that this is an agricultural event.
Date(s) of Event:

B. Contact person for applicant during event:
Name:
Phone number of contact:

C. Description of the premises within the Farmer's Market:
Address of Premises for the Sale of Wine:
City/Town: State: Zip: Phone Number of Premises:
Describe Area to be Licensed:

**APPLICATION FOR LICENSE BY A FARMER WINERY TO SELL AT A
FARMER'S MARKET
(CH.138, §15F)**

3. Existing License(s) to Manufacture, Export and Sell at Retail:

List the license(s) you hold which authorize the manufacture, exportation and retail sale of wine to consumers: (Attach a copy of each license)

Name	License Type	License Address
La Cantina Winery Company	Federal Basic Permit MA-W-21028	355 Union St Franklin MA 02038
La Cantina Winery Company	MA Farm Winery #FW-110	355 Union St Franklin MA 02038

4. Are you providing, without charge, samples of wine to prospective customers?

Yes No

Section 15F specifically requires that "all samples of wine shall be served by an agent, representative or solicitor of the licensee."

A. If yes, please provide names and addresses of all agents, representatives and solicitors:

Name	Address	ABCC License Number
Robert A. Vozzella	355 Union St Franklin MA 02038	#FW-110
Ana Vozzella	355 Union St Franklin MA 02038	#FW-110
Robert J. Vozzella	687 Pleasant St Franklin MA 02038	#FW-110
Phyllis Vozzella	687 Pleasant Franklin MA 02038	#FW-110

B. Proof of Age for Sale to Consumers:

Please identify all methods by which you will obtain proof of age before providing samples or making any sales of wine to consumers :

Check valid State issued identification card, drivers license, military ID, and or passport for age

5. Transportation and Delivery:

Please identify in detail all persons or businesses that are licensed under M.G.L. c. 138, §22 that will be making any delivery of wine on your behalf to the Farmer's Market in Massachusetts.

Robert A Vozzella, CEO of La Cantina Winery Company

*If additional space is needed, please use last page.

**APPLICATION FOR LICENSE BY A FARMER WINERY TO SELL AT A
FARMER'S MARKET
(CH.138, §15F)**

6. Safety and Tax Registration:

Has the Farmer's Market registered with the Food and Drug Administration? Yes No Registration Date:

7. Disclosure of License Disciplinary Action:

Have any of the your licenses to sell alcoholic beverages ever been suspended, revoked or cancelled? Yes No

If yes, list said interest below:

Date	License	Reason why license was Suspended, Revoked or Cancelled

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that, I have filed all state tax returns and paid all state taxes required under law. I further understand that each representation in this application is material to the determination of the application and state under penalty of perjury that all statements and representations therein are true.

Note: The LLA may require additional information.

Signature

Robert Upjohn

Title

Owner

Date

7/22/19

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

April 17, 2019

Bob Vozzella
La Cantina Winery
355 Union St.
Franklin, MA 02038

Re: Franklin Farmers' Market

Dear Bob Vozzella:

Please be advised that your application for certification of the Franklin Farmers' Market, on Friday from June 7th, 2019 to October 25th, 2019, from 12:00 pm to 6:00 pm, as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

Please remember that, upon certification of an agricultural event by MDAR; the farm-winery must submit a copy of the approved application to the local licensing authority along with the application for obtaining a special license from the city or town in which the event will be held. Upon issuance of a special license, the winery should confirm that a copy of the special license was sent by the local licensing authority to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lebeaux".

John Lebeaux, Commissioner



Commonwealth of Massachusetts
Office of the State Treasurer
Alcoholic Beverages Control Commission

SALESMAN'S PERMIT

M.G.L. c. 138, §§ 19A & 22

This Permit authorizes the following permittee to act as a Salesman:

ROBERT VOZZELLA

355 Union St.
Franklin, MA 02038

La Cantina Winery Company

Approved by the Alcoholic Beverages Control Commission on November 06, 2018

Jean M. Lorizio
Jean Lorizio, Chairman

Elizabeth Lashway
Elizabeth Lashway, Commissioner

Kathleen McNally
Kathleen McNally, Commissioner

License Number: SP-LIC-007608

Record Number: 2018-000974-SP-REN

THIS PERMIT WILL EXPIRE DECEMBER 31, 2019 UNLESS REVOKED OR CANCELLED DURING THIS PERIOD

THIS PERMIT SHALL BE CARRIED BY THE PERMITTEE AT ALL TIMES



Commonwealth of Massachusetts
Office of the State Treasurer
Alcoholic Beverages Control Commission

TRANSPORTATION & DELIVERY PERMIT

M.G.L. c. 138, § 22

This Permit hereby authorizes the use of the following vehicle for transportation and delivery of alcoholic beverages:

Vehicle Plate Number

7143SF

Related License:
ROBERT VOZZELLA

ABCC License Number: SP-LIC-007608

License Type: Salesman Permit

Approved by the Alcoholic Beverages Control Commission on November 06, 2018

Jean M. Lorzio
Jean Lorzio, Chairman

Elizabeth Lashway
Elizabeth Lashway, Commissioner

Kathleen McNally
Kathleen McNally, Commissioner

License Number: TR-LIC-003667

Record Number: 2018-000974-SP-REN

THIS PERMIT WILL EXPIRE DECEMBER 31, 2019 UNLESS REVOKED OR CANCELLED DURING THIS PERIOD

THIS PERMIT SHALL BE CARRIED IN THE VEHICLE AT ALL TIMES



Commonwealth of Massachusetts
Office of the State Treasurer
Alcoholic Beverages Control Commission

FARMER-WINERY LICENSE

M.G.L. c. 138, § 19B

This Farmer-Winery License authorizes the following licensee to produce, rectify, blend, or fortify, keep and expose for sale and to sell wine containing not more than twenty-four percent alcohol by weight:

La Cantina Winery Company

355-357 Union Street
Franklin, MA 02038

Approved by the Alcoholic Beverages Control Commission on November 06, 2018

Jean M. Lorizio
Jean Lorizio, Chairman

Elizabeth Lashway
Elizabeth Lashway, Commissioner

Kathleen McNally
Kathleen McNally, Commissioner

License Number: FW-LIC-000110
Record Number: 2018-000041-FW-REN
Capacity: 5K Gallons or Less

THIS LICENSE WILL EXPIRE DECEMBER 31, 2019 UNLESS REVOKED OR CANCELLED DURING THIS PERIOD
THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS PLACE WHERE IT CAN BE EASILY READ

Town Common Permit

37141

Applicant

👤 Cynthia Garboski
☎ 508-423-6818
@ cjarboski@gmail.com

Location

200 MAIN ST
FRANKLIN, MA 02038

Applicant Information

Applicant Name

Cynthia Garboski

Contact Name

Cynthia Garboski

Telephone #

508-423-6818

Applicant's Organization

Franklin Farmers' Market

Contact Address

9 Prospect Street, Franklin

Email Address

cjarboski@gmail.com

Event Information

Name of Event

Franklin Farmers' Market

Description of Event

Class B Farmers' market with farms and farm related small businesses to sell their goods to the general public.

Start Date of Event

06/07/2019

End Date of Event

10/25/2019

Start Time of Event

12PM

End Time of Event

6PM

Expected Number and Type of Participants

300

Company	Name	Street	Phone	E-mail	Product
A Basket Full of Herbs	Carol Pope	32 Indian Ridge Rd, Natick, MA 01760	508-655-2018	abasketfullofherbs@gmail.com	Packaged dried herb and spice blends
Ackermann Maple Farm	Caitlin Colley	PO Box 97, Cabot, VT 05647	802-279-4991	ackermannmaplesyrup@gmail.com	maple syrup, maple cream, maple sugar and maple candy
Amado Ceramics	Jorge Amado	35 Hooper St, Tiverton, RI 02878	650-291-1549	amroam@spoclobal.net	hand built and wheel thrown pottery
Angel Hair Alpaccas	Jay Cohen	66 Wesson St., N. Grafton, MA 01536	508-839-9856	lmicmoe@charter.net	Alpaca Clothing
Birchtree Bread Company	Robert Fecteau	138 Green St, Suite 5, Worcester, MA 01604	508-612-8050	robert@birchtreebreadcompany.com	Artisan breads, croissants, focaccia, corn muffins
Boston Sword and Tuna	David Sherman	8 Seafood Way, Boston, MA 02210	508-864-8723	davidsherman@verizon.net	fresh swordfish, tuna, cod, haddock, brook trout, scallops, flour, salmon, halibut
Claymark Studio	Patricia Vrintner	14 Highland St., Franklin, MA 02038	508-528-6822	claymarkstudio@gmail.com	Ceramic Pots, Vases, Bowls, Nature Novelty Plant Pebbles. All handmade in Franklin
Cooks' Valley Farm	Warren & Marilyn Cook	2200 West St, Wrentham, MA 02093	508-883-6709	cooksvalleyfarm@verizon.net	fruit, vegetables, cut flowers
Eric's Sharper Edge	Eric Spinner	3 Evergreen Drive, Franklin MA 02038	774-571-8700	eric.spinner1014@gmail.com	Knife Sharpening
Everything Jalapeno and Not	James/Lisa Sherman	4 Jencks Road, Milford MA 01757	508-473-6062	lsherman@brightinsurance.co lupinlisa@comcast.net	Salsa, Jam, Relish, Pickles, all hot and not
Fairmount Fruit Farm	CJ Koshivas	887 Lincoln St., Franklin, MA 02038	774-571-9327	cjkoshivas@yahoo.com	Vegetables, Fruit, Eggs
Foxboro Cheese	Ed & Nancy Lawton	70 North St., Foxboro, MA 02035	508-446-2070	nan.law@verizon.net	Cheese, Beef, Veal, eggs
Franklin Honey Company	Lauren Kloos	1 Green Street, Franklin, MA 02038	508-498-8325	franklinhoney3@gmail.com	Raw, unprocessed honey, honey bee related products (lip balm, hand cream, soap, candles)
Grateful Farm	Cynthia Garboski	49 Prospect St, Franklin, MA 02038	508-423-6818	c.garboski@gratefulfarm.com	Organic fruit and produce, potted veg. & herbs
Kelly's Farm	Rick Kelley	10 Gable Street, Upton, MA 01568	508-498-5932	rickkelly1983@gmail.com	Fruits and veggies, some plants and flowers, corn, tomato, etc
La Cantina Winery	Bob Vozella	355 Union Street, Franklin, MA 02038	617-851-5127	bob@lacantinawinery.com	Wine
Montville Candy	Tim Montville	PO Box 83, Hopedale, MA 01747	508-714-9968	tim1candy@hotmail.com	Fudge, candy, nuts, popcorn and marshmallows

Company	Name	Street	Phone	E-mail	Product
Painted Lady Flower Farm	Amy Acevedo	64 Maple Street, Franklin, MA 02038	508-243-1962	amyacevedo1@verizon.net	Flowers
Peace Bee and Rainbow Song Henna	Melissa Chartoff	12 Squire Street, Franklin, MA 02038	508-783-2509	beatgirl77@yahoo.com	Henna Body Art
Pumpkin Farm, The	Nicole Lobisser	72 Milford St., Medway, MA 02053	508-404-5701	nicolelobisser@verizon.net	Vegetables, eggs, meat
Shop Franklin	Sarah Mabardy	16 Norumbega Circle, Franklin, MA 02038	617-680-0803	shopfranklin@gmail.com	local independently owned businesses featured weekly, list to be provided in advance
Wengers Farm	Omar Wenger	1048 South Main St., Bellingham, MA 02019	508-883-2754	wengersfarm@emypeople.net	honey, homemade baked goods, eggs, produce, local made jams
Zen Bear Foods	Paul Strout	258 High Street, Whitinsville, MA 01588	774-280-6561	beartssauces@aol.com	Ketchup, BBQ, Mustard etc.

Franklin Farmers' Market

Cynthia Garboski
9 Prospect Street, Franklin, MA 02038
508-423-6818
c.garboski@gratefulfarm.com

4/29/19

Dear La Cantina Winery,

La Cantina Winery has been accepted as a vendor at the Franklin Farmers' Market for the 2019 season, pending all necessary special licenses and/or permits. The market will take place from June 7th 2019 to October 25th 2019 on Fridays from 12PM-6PM. The market is held at the Franklin, MA town common at 200 Main Street.

Warm regards,



Cynthia Garboski
Market Manager





Frank J. Faubert

April 23, 2019

Dear Owner / Manager:

This letter is confirmation that the individual(s) listed below have/has successfully completed a S.T.O.P. training course. Certification is valid for three years from the class date.

Should you have any questions or require further information, please do not hesitate to call.

You may need to show this letter to your city/town hall for proof of certification.

Frank J. Faubert
Frank J. Faubert, President

Place of Employment: La Cantina Winery - Franklin

Class Date: 4/22/2019

Expiration Date: 4/22/2022

Workshop Location: Teddy Gallagher's Irish Pub

Names:

Onderonk, Jennifer

Vozzella, Ana A.

Vozzella, Phyllis

Vozzella, Robert A.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/29/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Keefe Insurance Agency 51 West Central Street Franklin, MA 02038 Matthew Keras	508-528-3310	CONTACT NAME: Matthew Keras PHONE (A/C, No, Ext): 508-528-3310 FAX (A/C, No): 508-528-3887 E-MAIL ADDRESS:
	INSURER(S) AFFORDING COVERAGE	
INSURER A: Liberty Mutual Insurance		NAIC #
INSURER B: United States Liability Ins Co		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			BKS56916463	09/22/2018	09/22/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Liquor Liability			CL2716835	07/24/2018	07/24/2019	Occur: 250,000 Aggreg: 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER FRANK-3 Town of Franklin Fax: 508-520-4903 Att: Chrissy Whelton 355 East Central Street Franklin, MA 02038	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Matthew Keras
--	---



TOWN OF FRANKLIN

RESOLUTION 19-31

FRANKLIN RIDGE SENIOR HOUSING DEVELOPMENT

Whereas, the Town Council previously voted to support the proposed Franklin Ridge Senior Housing development located off Veterans Memorial Drive; and

Whereas, the Town Council previously voted to transfer 17 acres of land behind the Franklin High School to the Franklin Municipal Affordable Housing Trust; and

Whereas, On May 8th the Franklin Town Council met with JNJUHL and Associates, LLC, the designated developer of the proposed Franklin Ridge Senior Housing development located off Veterans Memorial Drive in Franklin to review this proposed development. The Town of Franklin has been working with JNJUHL and Associates, Inc. on the development of sixty units of affordable senior housing on 6.5 acres of town-owned land in the heart of Franklin for the past year in order to advance the development of this critically needed affordable senior housing project in Franklin. The sixty unit development will be 100% affordable and serve the needs of Franklin's low and moderate income senior population. With Franklin's growing senior population anticipated to increase from 6,341 to 10,050 (an increase of 26% by the Year 2020), the need for affordable senior housing in Franklin has never been greater. Over the past several years, Franklin has seen significant increase in its housing costs in general and in rental costs in particular, significantly impacting on many of Franklin's life-long residents. This changing housing market has forced some of our seniors to leave Franklin for more affordable rental accommodations. The Town has recognized this increasing pressure on its growing senior population and the need to create long-term affordable housing options that the Franklin Ridge Senior Housing development will provide

NOW, THEREFORE, BE IT RESOLVED that the Franklin Town Council strongly supports the development of the Franklin Ridge Senior Housing development and requests the Massachusetts Department of Housing and Community Development help provide the critical financing necessary in order to assist in our efforts in making the Franklin Ridge Senior Housing development a reality for Franklin's senior community

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

DATED: _____, 2019

VOTED:

UNANIMOUS _____

YES _____ NO _____

ABSTAIN _____

ABSENT _____

RECUSED _____

A True Record Attest:

Teresa M. Burr
Town Clerk

Glenn Jones, Clerk
Franklin Town Council



TOWN OF FRANKLIN

DEPARTMENT OF PUBLIC WORKS

257 Fisher Street
Franklin, MA 02038

March 15, 2019

Mr. Jeffrey Nutting, Town Administrator
Town of Franklin
355 East Central Street
Franklin, MA 02038

Re: Discharges to the Municipal Storm Drain System

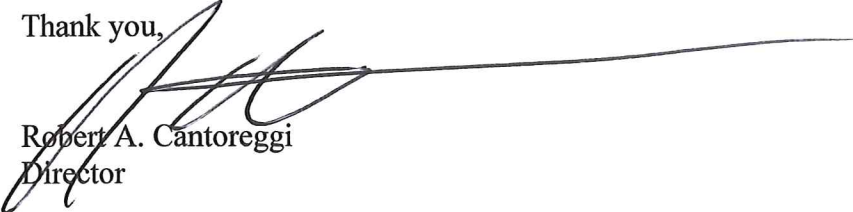
Dear Jeff,

As you are aware the Town is required to create by-laws regarding Illicit Discharges to the Municipal Storm Drain System to be in compliance with an NPDES Storm Water Discharge Permit.

The purpose of these by-laws are to regulate illicit connections and discharges to the municipal storm drain system in order to protect the Town of Franklin's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

Attached is the Draft Proposal which has been reviewed and approved by DPW and Mark Cerel.

Thank you,



Robert A. Cantoreggi
Director

CC: Jamie Helen, Assistant Town Administrator
Mark Cerel, Town Council
Deacon Perrotta, Director of Operations
Carlos Rebelo, Highway and Grounds Superintendent
Laurie Ruszala, Water and Sewer Superintendent
Mike Maglio, Town Engineer
Kate Sjoberg, GIS Coordinator
File

**TOWN OF FRANKLIN
BYLAW AMENDMENT 19-838**

**A BYLAW TO AMEND THE FRANKLIN TOWN CODE AT
CH. 153 STORMWATER MANAGEMENT**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: Chapter 153 of the Code of the Town of Franklin Stormwater Management is hereby amended by adding a new Article IV Discharges to the Municipal Storm Drain System, as follows:

ARTICLE IV. DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM.

§153-19. Purpose.

The purpose of this article is to regulate illicit connections and discharges to the municipal storm drain system in order to protect the Town of Franklin's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. This article seeks to meet that purpose through the following objectives:

- A. to prevent pollutants from entering the Town of Franklin's municipal separate storm sewer system (MS4);
- B. to prohibit illicit connections and unauthorized discharges to the MS4;
- C. to require the removal of all such illicit connections;
- D. to comply with state and federal statutes and regulations relating to stormwater discharges; and
- E. to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

§153-20. Definitions.

The definitions in Article I. Section 153-2 are applicable to this article (Article IV) as well as the following additional definitions:

BEST MANAGEMENT PRACTICE (BMP) – An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff or prevent pollutants from entering stormwater runoff.

CLEAN WATER ACT – The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

DISCHARGE OF POLLUTANTS – The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER – Water beneath the surface of the ground.

ILLCIT CONNECTION – A surface or subsurface drain or conveyance, including any connections from indoor drains, sinks, or toilets, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.

ILLCIT DISCHARGE – Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in §153-23. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT – A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE – Discharge to the municipal storm drain system not composed entirely of stormwater.

PERSON – An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT – Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is considered toxic to humans or the environment and may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables; pesticides, herbicides, and fertilizers; hazardous materials and wastes, as hereinafter defined; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; rock, sand, salt, soils; construction wastes and residues; and noxious or offensive matter of any kind.

PROCESS WASTEWATER – Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

STORMWATER – Runoff from precipitation or snow melt.

SURFACE WATER DISCHARGE PERMIT – A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of

pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE – Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE – A natural or man-made channel through which water flows, or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH – All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER – Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

§153-21. Applicability.

This article shall apply to flows entering the municipal storm drain system.

§153-22. Prohibited Activities.

- A. **Illicit Discharges.** No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain system (MS4), into a watercourse, or into the waters of the Commonwealth.
- B. **Illicit Connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.
- C. **Obstruction of Municipal Storm Drain System.** No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Director of Public Works.

§153-23. Exemptions.

Discharges or flows resulting from firefighting activities are exempt from the prohibition of non-stormwater discharges. The following additional non-stormwater discharges or flows are exempt from the prohibition of non-stormwater discharges provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

- A. Waterline flushing;
- B. Flow from potable water sources;
- C. Springs;
- D. Natural flow from riparian habitats and wetlands;
- E. Diverted stream flow;
- F. Rising groundwater that enters the storm drain system;
- G. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20);
- H. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space or basement sump pumps, or air conditioning condensation provided they are uncontaminated and do not cause a nuisance or safety hazard;
- I. Discharge from landscape irrigation or lawn watering;
- J. Water from individual residential car washing;
- K. Uncontaminated water used for dust control;
- L. Water discharge from street sweeping activities;
- M. Dye testing, provided verbal notification is given to the Director of Public Works prior to the time of the test;
- N. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided test data is submitted to the Town substantiating that the water meets the one ppm standard, and the pool is drained in such a way as not to cause a nuisance or public safety issue and complies with all other applicable Town Bylaws;
- O. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- P. Discharge for which advance written approval is received from the Director of Public Works as necessary to protect public health, safety, welfare, or the environment.

§153-24. Emergency Suspension of Storm Drainage System Access.

The Director of Public Works may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment.

§153-25. Notification of Spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire, police, and public works departments. In the event of a release of non-hazardous material, the reporting person shall notify the Director of Public Works no later than the next business day. The reporting person shall provide to the Director of Public Works written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§153-26. Enforcement.

The Director of Public Works, or an authorized employee or agent, shall administer, implement and enforce Chapter 153, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Civil Relief – If a person violates the provisions of this by-law, permit, notice, or order issued thereunder, the Director of Public Works may seek equitable relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders – The Director of Public Works, or an authorized employee or agent, may issue a written order to enforce the provisions of this Chapter, which may include:
 - 1) elimination of illicit connections or discharges to the MS4;
 - 2) performance of monitoring, analyses, and reporting;
 - 3) that unlawful discharges, practices, or operations shall cease and desist; and
 - 4) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Franklin will pursue all options available to it, including imposition of fines, performance of remediation work at violator/property owner's expense and institution of court action. property owner shall be liable for the payment of all expenses incurred by the Town in connection therewith including all court costs and attorney's fees incurred in any enforcement or collection action, and unpaid expenses shall constitute a lien on the property to the extent provided by law.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Franklin, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Director of Public Works within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Director of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Chapter- 59, Section 57 after the thirty-first day at which the costs first become due.

- C. Criminal Penalty – Any person who violates any provision of this Chapter, order or permit issued thereunder, shall be punished by a fine of \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Non-Criminal Disposition – As an alternative to criminal prosecution or civil action, the Town of Franklin may elect to utilize the non-criminal disposition procedure set forth in General Laws, Chapter 40, Section 21D. The Director of Public Works or his designee and the Franklin Police Department are each designated enforcement agent for purpose of said statute. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. Entry to Perform Duties Under this By-Law – To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Director of Public Works, or authorized employees, agents, officers, may enter upon privately owned property for the purpose of performing their duties under this Chapter and may make or cause to be made such examinations, surveys or sampling as the Director of Public Works deems reasonably necessary.
- F. Appeals – The decisions or orders of the Director of Public Works shall be final. Further relief shall be by appeal to a court of competent jurisdiction.
- G. Remedies Not Exclusive – The remedies listed in Chapter 153 are not exclusive of any other remedies available under any applicable federal, state or local law.

§153-27. Severability.

The provisions of Chapter 153 are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

§153-28. Transitional Provisions.

Residential property owners shall have 90 days following the effective date of Chapter 153 to comply with its provisions provided good cause is shown for the failure to comply with the Chapter during that period.

This bylaw amendment shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2019

VOTED:
UNANIMOUS _____

YES _____ **NO** _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

RECUSED _____

Teresa M. Burr
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: April 11, 2019
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
Jamie Hellen, Deputy Town Administrator
RE: Temporary Passes at Beaver Street Recycling Center

A few years ago we instituted on a trial basis a \$10 fee for a two week pass at the recycling center. The Council did not officially adopt a fee at that time. We are now on our second year and during the trial period there have been about 240 stickers sold per year. By way of comparison we sell about 2,500 annual stickers.

The feedback from the staff is that most of the temporary stickers are folks cleaning out their house prior to moving.

At this point it seems we should either cancel the program due to the low utilization or adopt a fee of \$25 for a 10 day sticker.

I am happy to answer any questions you may have.



**TOWN OF FRANKLIN
BYLAW AMENDMENT 19-841**

CHAPTER 82, MUNICIPAL SERVICE FEES

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CH. 82

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: Chapter 82 of the Code of the Town of Franklin, Section 6 "Schedule of service fees" is hereby amended (add underlined text, delete struck).

§ 82-6. Schedule of service fees.

DEPARTMENT	FEE	<u>FY20 RATE</u>
Public Works		
	<u>Beaver Street Recycling Center (Ten Day Sticker Fee)</u>	<u>\$25</u>

This bylaw amendment shall become effective July 1, 2019.

DATED: _____, 2019

VOTED:
UNANIMOUS _____

YES _____ **NO** _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

RECUSED _____

**Teresa M. Burr
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**