

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
March 23, 2016**

A meeting of the Town Council was held on Wednesday, March 23, 2016 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 participation), 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 led by Boy Scout Troop 8080.

**APPROVAL OF MINUTES:** None.

**ANNOUNCEMENTS:** ► Chairman Kelly announced the meeting would be recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29. This meeting may also be recorded by others. ► March 24, 2016 from 10:00-12:00 PM there will be Connections that Work seminar at the Franklin Town Hall Municipal Building. This seminar is for anyone looking to start or expand a business with general information provided about small business concerns.

**PROCLAMATIONS/RECOGNITIONS:** None.

**CITIZEN COMMENTS:** None.

**APPOINTMENTS:** ► *Historical Commission.* Ms. Pfeffer read the appointment. **MOTION to Ratify** the appointment of Jeremy Ball by the Town Administrator to serve as an associate member of the Historical Commission by **Pfeffer. SECOND by Padula. Discussion:** Mr. Nutting stated Mr. Ball would be a great addition. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**

► *Conservation Commission.* Ms. Pfeffer read the appointment. **MOTION to Ratify** the appointment by the Town Administrator of Angela Gelineau to serve as a member of the Conservation Commission by **Pfeffer. SECOND by Dellorco. Discussion:** Ms. Gelineau introduced herself. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**

**HEARINGS:** None.

**LICENSE TRANSACTIONS:** None.

**PRESENTATIONS/DISCUSSIONS:** None.

**SUBCOMMITTEE REPORTS:** ► Ms. Pfeffer stated the Capital Subcommittee has met a few times. At tonight's meeting it was voted unanimously to bring to the April 6, 2016 Town Council meeting the \$1.8 million for the sidewalks from Pleasant Street to Chestnut Street.

**LEGISLATION FOR ACTION:**

1. *Resolution 16-15: Authorization to Enter into Separate Intermunicipal Agreements Between Franklin and The Towns of Bellingham, Medway, Norfolk and Wrentham to Provide Public Safety*

**Mutual Aid.** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 16-15 for authorization to enter into separate Intermunicipal Agreements between Franklin and the towns of Bellingham, Medway, Norfolk, and Wrentham to provide Public Safety Mutual Aid by **Jones. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this would give all the surrounding communities the ability of police powers if they were in pursuit of a suspect in another town; this is a mutual aid agreement. ► Mr. Padula stated he is not in opposition to the resolution, but noted that if it is an arrestable offense, the police can chase an offender into the neighboring jurisdiction and this resolution goes further than that. ► Mr. Cerel indicated that probable cause is a factor. There is an Appeals Court decision where there was a chase that ended in another community and the police officer did not have authority. This can be resolved by having a mutual aid agreement in place. He emphasized this only applies to active on-duty police. ► Police Chief Semerjian stated this will give the police a degree of insulation. If it is strictly a speeding offense, it is not arrestable; so, if police go into the neighboring jurisdiction, this authority is needed. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**

*Chairman Kelly called a three-minute recess.*

*Chairman Kelly resumed the meeting.*

- 2. Resolution 16-16: Authorization for Disposition (Sale) of Town-Owned Land on Pond Street.** **MOTION to Waive** the reading by **Jones. SECOND** by **Dellorco. ► ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-NO; Mercer-YES (by remote); Padula-YES; Pellegri-YES; Pfeffer-NO; Vallee-YES. **VOTE: Yes-7, No-2, Absent-0. MOTION to Move** Resolution 16-16: Authorization for Disposition (Sale) of Town-Owned Land on Pond Street by **Jones. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated this is an agreement based on the RFP the Town went through between the Town and Baystone Franklin, LLC, to sell the Pond Street property for the development of 99 units of condominiums including 69 two-bedroom and 33 three-bedroom units for \$1.56 million and authorize Town to enter into a legal agreement. This will move it forward to a filing with the Planning Board. ► Ms. Pfeffer stated when this proposal first came before the Town it was going to be 15 three-bedroom units. Then it was changed to 50 three-bedroom units. Then it was negotiated down to 30 three-bedroom units. This is a subdivision. Thirty-three units will have a minimum of 45 to 50 kids entering into the school system. There is no large sum of money coming into the Town of Franklin for this development. With 99 units on Pond Street, minimum two cars per unit, there is going to be lots of traffic. A traffic study has not even come back yet. We have got 99 units abutting one of the biggest and busiest highways, Rt. 495. There is no clubhouse, no gym, and no pool. For \$400,000 plus dollars there is a walking trail. This is absolutely the worst thing to do for the citizens of Franklin and for the citizens that live on Pond Street. ► Mr. Dellorco confirmed there is no commercial in this. He asked why the number of units increased from fifteen. ► Mr. Nutting stated he had suggested to Attorney Cornetta that 15 three-bedroom units would be more appropriate. Mr. Nutting stated that 2-bedroom condominiums in Franklin typically do not produce any students. There was a back and forth discussion and they spilt the number to 30 units. He stated the Town and the developer do disagree on the number and financial impact of the children with a \$50,000 difference. ► Attorney Richard Cornetta indicated they received their data based on a study in Hopkinton that this developer was involved in and a study from Rutgers University. ► Mr. Mercer stated he did not have a problem with the project, but he did have a problem with the number of three-bedroom units. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-NO; Kelly-YES; Mercer-NO (by remote); Padula-YES; Pellegri-YES; Pfeffer-NO; Vallee-YES. **VOTE: Yes-6, No-3, Absent-0.**

3. ***Zoning Bylaw Amendment 16-753: Zoning Map Changes from Single Family Residential IV to General Residential V in an Area on or near West Central Street—Referral to Planning Board.***

*Mr. Bissanti recused himself.*

Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 16-753 for Zoning Map Changes from Single Family Residential IV to General Residential V in an Area on or near West Central Street—Referral to Planning Board by **Jones**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Nutting stated this section of Franklin has been long discussed. In the Master Plan it was discussed to look at the zoning. There is vacant property/under-valued property. This zoning proposal would do two things: clean up the lot line, and change the zoning to allow for multi-family. Given location to Downtown, train station, and shopping areas, it would make sense to redevelop this area. He does not agree that it should be Commercial; it is on a dangerous curve. This gives the ability to upgrade the property, get some redevelopment, and address Master Plan concerns. ► Mr. Padula questioned if they are just taking the Industrial piece out of parcel number 278-036-000. ► Bryan Taberner, Director, Planning and Community Development, stated this just clears up two zoning districts on one parcel. ► Chairman Kelly asked about the plans for the parcel to the west of the proposed changed. He noted the Odd Fellows building has been for sale for years. ► Mr. Nutting stated he thinks the issue is that it is still too close to the intersection. The concern is that there should be no more density at the corner. It is an awkward intersection. He said according to the president of Odd Fellows, they are now going to keep the Odd Fellows building and fix it up. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-8, No-0, Absent-0.** (Mr. Bissanti did not vote as he had recused himself.)

*Mr. Bissanti reentered the meeting.*

4. ***Bylaw Amendment 16-754: Chapter 47, Alcoholic Beverages – 1<sup>st</sup> Reading.*** Ms. Pfeffer read the bylaw amendment. **MOTION to Move** Bylaw Amendment 16-754 for Chapter 47, Alcoholic Beverages to a second reading by **Jones**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Nutting stated based on comments at the last meeting by Town Council members, the 14 days was removed and date was moved to September 1, 2016. **MOTION to Amend** the effective date to July 1, 2016 by **Jones**. **SECOND** by **Bissanti**. **Discussion:** ► Ms. Pfeffer stated that part of the reason the date was moved to September 1, 2016 was that everyone would not be able to be trained within the period of time. This is only the first reading. It then goes to a second reading which will be near the end of April so July 1 will come rather quickly. She stated she wants it to be as soon as possible, but it seems unfair if the people cannot get it done in time to be able to comply. ► Mr. Bissanti stated that was a good point made by Ms. Pfeffer. But, he noted the busiest drinking months of the season is coming so he concurred with Mr. Jones to get something enacted quickly. ► Mr. Padula concurred with Ms. Pfeffer; September 1, 2016 is very reasonable. ► **ROLL CALL VOTE (on amendment to move date to July 1, 2016) :** Bissanti-YES; Dellorco-NO; Jones-YES; Kelly-NO; Mercer-NO (by remote); Padula-NO; Pellegri-NO; Pfeffer-NO; Vallee-NO. **VOTE: Yes-2, No-7, Absent-0.** (The amendment to move date to July 1, 2016 did not pass.) ► **ROLL CALL VOTE (to move bylaw amendment):** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**

5. ***Bylaw Amendment 16-755: Chapter 179, Water Charges – Water Department Access – 2<sup>nd</sup> Reading.*** Ms. Pfeffer read the bylaw amendment. **MOTION to Move** Bylaw Amendment 16-755 for Chapter 179, Water Charges - Water Department Access by **Jones**. **SECOND** by **Dellorco**. **No Discussion.** ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9,**

**No-0, Absent-0.**

6. **Bylaw Amendment 16-756: Chapter 170 Vehicles and Traffic Article X Winter Storm Overnight Parking – 2<sup>nd</sup> Reading.** Ms. Pfeffer read the bylaw amendment. **MOTION to Move** Bylaw Amendment 16-756 for Chapter 170 Vehicles and Traffic Article X Winter Storm Overnight Parking by **Padula. SECOND** by **Jones. Discussion:** ► Mr. Nutting stated this prohibits the parking of any motor vehicle on any municipally-owned property during a snow ban which is from 1:00 AM to 5:00 AM. The Town already has the right on a public way to fine violator or tow vehicle. ► Mr. Cerel stated the Town may have the violator's vehicle towed and stored at the violator's expense. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0.**

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Nutting stated hopefully tomorrow a temporary library lease at 25 Kenwood Circle will be signed as the library moves closer to construction project. Tentatively, library will be closing after April 8. It will be closed for several weeks while being relocated; looking to re-open around May 2. Dates will be finalized as it gets closer. Signage will be put up to let folks know about the move. ► Downtown project meetings will start again next Tuesday; will update citizens on a regular basis. ► The sidewalk project and the capital plan will be coming forward to the Town Council in April. ► Work on the annual budget will continue and hopefully get to FinCom by the middle of April. ► Congratulations to the high school hockey team.

**OLD BUSINESS:** ► Mr. Jones would like School Dude reports. ► Mr. Nutting stated he had sent an email indicating when they make the presentation in April all that would be provided. ► Mr. Dellorco asked if there were any results of the free audit on insurance from the Norfolk company. ► Mr. Nutting stated they met with him twice. They sent a proposal, the Town sent a thank you. They were aware that the Town is in the middle of health insurance and not going to make any changes this year. If an RFP is done next year, they will be included in the process. ► Mr. Dellorco stated they said there was a \$300,000 difference. Mr. Dellorco asked Mr. Nutting if the group could come to a Town Council meeting to talk about insurance. ► Mr. Nutting stated he would provide the Town Council members with the information he was given. ► Mr. Bissanti indicated he has seen two referendums/initiatives before the Town Council where the Town could have made a little money to go toward an EMT, police officer, etc. He stated he did not think they were given the deserved consideration and the insurance item mentioned by Mr. Dellorco is not getting the deserved consideration either. He also mentioned that he does not understand the message being given when council members indicate concern over adding students when the entire Town has been built around young people. Empirical data shows school populations dwindling at the lower levels. Towns have to grow; houses have to be built. ► Ms. Pellegrini asked if the people that wanted to put the billboard up were coming back. ► Chairman Kelly indicated they decided to walk away.

**NEW BUSINESS:** ► Mr. Vallee asked for the Free Cash balance. ► Mr. Dellorco stated in a future agenda he would like to have a charter review discussion. He does not think the Town Council has the power they need anymore. ► Mr. Kelly asked Mr. Nutting to put that on the agenda for discussion.

**COUNCIL COMMENTS:** ► Mr. Jones thanked Troop 8080 for coming out tonight and leading the Pledge of Allegiance. He gave his prayers to Brussels for the awful terrorist attacks. He thanked all the supporters of the Davis Thayer 16<sup>th</sup> annual auction. He congratulated the Franklin High School Division I hockey team for winning State Division I. The Boston Red Sox will be honoring them at the April 13 game in Boston. There is a conflict on this date as also on April 13 at 6:00 PM the Franklin Education Foundation will be hosting their Trivia Bee at the Horace Mann auditorium. He stated he was excited that 150 Emmons Street was finally coming down. ► Mr. Dellorco congratulated the Franklin High School hockey team. ► Ms. Pfeffer stated that not liking a development because there are 33 three-bedroom units does not mean a person is against children. There is a 40B development that cannot be stopped with 280

apartments on West Central Street, so there will be plenty of kids coming into Franklin; the previous comment on this was rather insulting. As the Chair of the Library Building Committee, Ms. Pfeffer stated the Committee has chosen an architect and a design, and moving ahead. The library will be closing in a few weeks and closed for over one year with a temporary space set up on Kenwood Circle. It will be a wonderful new addition put on the back of the library and the old building brought up to code. There will be a fundraiser through the Friends of the Franklin Library. ► Mr. Padula congratulated the Town Council for finally doing something about the Pond Street property. He thanked the Boy Scouts for being here to help with the Pledge of Allegiance. He congratulated the hockey team and coaching staff. ► Chairman Kelly thanked the Boy Scout Troop and stated they did a great job. Congratulations to the hockey team and the coaching staff. It proves that having police officers as coaches is great for the community and schools. The hockey team will be coming to a future Town Council meeting. ► Mr. Mercer congratulated the hockey team, coaches, and staff for the Division I hockey championship. The Senior Center renovations are ongoing and things are looking good. The mechanical engineer at the high school has come up with a design that has been approved to solve the problem that occurred this winter. The repairs are ongoing and will be completed shortly.

**EXECUTIVE SESSION: None.**

**ADJOURN: MOTION to Adjourn by Jones. SECOND by Dellorco. ► ROLL CALL VOTE:**  
Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES (by remote); Padula-YES; Pellegrini-YES; Pfeffer-YES; Vallee-YES. **VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:00 PM.**

Respectfully submitted,

Judith Lizardi  
Recording Secretary