

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

A meeting of the Town Council was held on Wednesday, February 1, 2017 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones, Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegrini, 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: January 18, 2017. ► **MOTION** to Approve the January 18, 2017 meeting minutes by Mercer. **SECOND** by Bissanti. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

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

PROCLAMATIONS/RECOGNITIONS: ► *Swearing in of Police Officers.* ► Police Chief Thomas Lynch thanked the Town Council and Town Administrator for allowing him the opportunity to recognize five individuals for being promoted or transferred to a specialty assignment. He provided background and career information for Lt. James West, Sgt. Daniel Smith, Det. Richard Grover, Det. Jonathon Bussey, and Officer Paul Guarino. ► Family members pinned the recognized police officers. ► Chairman Kelly, on behalf of the Town Council, thanked all police officers for their dedication and service.

Chairman Kelly called a five-minute recess.

CITIZEN COMMENTS: *None.*

APPOINTMENTS: *None.*

HEARINGS:

1. *Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions*
2. *Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated*
3. *Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map*
4. *Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance Required*
5. *Zoning Bylaw Amendment 17-783: Amendment to Chapter 185 Section 49 Marijuana Use Overlay District*

► **MOTION** to **Open** all five public hearings by Mercer. **SECOND** by Dellorco. **No Discussion.**

► **VOTE: Yes-9, No-0, Absent-0.** ► Mr. Nutting provided a summary of all five bylaws. He stated all these bylaws relate to zoning recreational marijuana to the same locations where medical marijuana is zoned. The law passed in November; the legislature has delayed implementation until June 30, 2018. The State Treasurer is assigned with the task to determine rules, regulations and procedures for adult marijuana. In the meantime, he suggested from a zoning perspective to place that opportunity in the same location as medical marijuana now allowed by the town. It would be by special permit and this is the first step until more is known from the State Legislature and Treasurer. This zoning in the short run will make sense and it can be changed later. ► Mr. Bissanti stated he does not want to see retail dispensaries downtown or on Main Street. He asked how strong the town's legal footing is to not be challenged by an applicant. ► Mr. Cerel stated he believed the town had strong footing because the town is allowing it in

the same locations and same process as medical. ► **MOTION to Close** all five public hearings by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: ► **Joe's American Bar & Grill, Change of Manager.** Ms. Pfeffer read the license transaction. ► **MOTION to Approve** the request by Joe's American Bar & Grill for a change of manager to Michael Steven Botelho by **Pfeffer. SECOND** by **Mercer. Discussion:** ► Mr. Nutting stated they are here to answer any questions. ► Attorney Nicholas Zozula of McDermott, Quilty & Miller and Mr. Michael Botelho addressed the Town Council. In response to questions, Mr. Botelho confirmed he has been TIPS certified for 20 years; he is also ServSafe Alcohol Training certified. He is currently the General Manager of the restaurant. He discussed staff training and the recent violation at this restaurant. ► Chairman Kelly reminded Mr. Botelho that the town takes violations very seriously. ► **VOTE: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: *None.*

SUBCOMMITTEE REPORTS: *None.*

LEGISLATION FOR ACTION:

1. **Resolution 17-04: Acceptance of Grant of Utility (Drainage) Easements (majority vote (5)).** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 17-04: Acceptance of Grant of Utility (Drainage) Easements by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated that for more than one year this has been an ongoing problem. There was a pump station built on private property many years ago without any easements. It was being used and the town did not have a right to access it. Both property owners have granted the town an easement so the town can maintain the pump station as well as make repairs if the pipe were to ever break. ► Mr. Mercer thanked those involved for bringing this to fruition; it has been a long time coming. He applauded their efforts. ► Mr. Bissanti echoed Mr. Mercer's statements. He also thanked the Lipperts. ► Mr. Dellorco stated this is a good thing and thanked everyone involved. ► Ms. Pellegrini stated she was very thankful this was resolved; she thanked the Lipperts for always being cordial. ► **VOTE: Yes-9, No-0, Absent-0.**
2. **Resolution 17-05: Request for Special Legislation, Re: Authorization for State to Convey Article 97 Land to Town (majority vote (5)).** Ms. Pfeffer read the resolution. **MOTION to Move** Resolution 17-05: Request for Special Legislation, Re: Authorization for State to Convey Article 97 Land to Town by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this is the next step in the process for acquiring the land next to the town's Transfer Station that was inadvertently used by the town decades ago. There is some rubbish/trash on that land that needs to be removed and capped, as well as a portion of the landfill that was not capped where all the containers are today. So, in working with the State for many years, the idea is to swap some town-owned land that abuts the State forest and provide that to them, and in turn they will provide the town this land so the town can move forward to remediate the area as well as to hopefully rebuild and expand the Recycling Center once the capping process is complete. This would petition the Legislature to authorize the transfer of land; then there will be appraisal, surveys and other items to get done to eventually get to the point to go to DEP and develop a plan to cap it. Somewhere in the future money will be needed to both design and cap the landfill and build the Recycling Center; it could be \$2 or \$3 million. ► Chairman Kelly extended thanks to Larry Benedetto who worked on this effort. ► **VOTE: Yes-9, No-0, Absent-0.**
3. **Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions - 1st Reading (Motion to move Zoning Bylaw Amendment 17-779 to a 2nd Reading – majority vote).** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 17-779: Changes to Chapter 185 Section 3 Definitions to a 2nd reading by **Mercer. SECOND** by **Padula. Discussion:**

► Mr. Nutting stated these five resolutions relate to the five public hearings as previously described.
► **VOTE: Yes-9, No-0, Absent-0.**

4. ***Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated – 1st Reading (Motion to move Zoning Bylaw Amendment 17-780 to a 2nd Reading - majority vote).*** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 17-780: Changes to Chapter 185 Section 4 Districts Enumerated to a 2nd Reading by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**
5. ***Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map - 1st Reading (Motion to move Zoning Bylaw Amendment 17-781 to a 2nd Reading – majority vote).*** Ms. Pfeffer read the zoning bylaw amendment. **MOTION to Move** Zoning Bylaw Amendment 17-781: Changes to Chapter 185 Section 5 Zoning Map to a 2nd Reading by **Mercer. SECOND** by **Padula.**
Discussion: ► Ms. Pfeffer confirmed the word medical would be removed and replaced with just the word marijuana. ► **VOTE: Yes-9, No-0, Absent-0.**
6. ***Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance Required – 1st Reading (Motion to move Zoning Bylaw Amendment 17-782 to a 2nd Reading - majority vote).***
MOTION to Waive the reading by **Dellorco. SECOND** by **Jones. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** **MOTION to Move** Zoning Bylaw Amendment 17-782: Changes to Chapter 185 Section 7 Compliance Required to a 2nd Reading by **Mercer. SECOND** by **Padula. No Discussion.**
► **VOTE: Yes-9, No-0, Absent-0.**
7. ***Zoning Bylaw Amendment 17-783: Amendment to Chapter 185 Section 49 Marijuana Use Overlay District – 1st Reading (Motion to move Zoning Bylaw Amendment 17-783 to a 2nd Reading - majority vote).*** **MOTION to Waive** the reading by **Mercer. SECOND** by **Dellorco. No Discussion.**
► **VOTE: Yes-9, No-0, Absent-0.** **MOTION to Move** Zoning Bylaw Amendment 17-783: Amendment to Chapter 185 Section 49 Marijuana Use Overlay District to a 2nd Reading by **Mercer. SECOND** by **Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**
8. ***Bylaw Amendment 17-784: Repeal Sign Restrictions Bylaw – 2nd Reading (Motion to move Bylaw Amendment 17-784 – majority roll call vote (5)).*** Ms. Pfeffer read the bylaw amendment. **MOTION to Move** Bylaw Amendment 17-784: Repeal Sign Restrictions Bylaw by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated this law was passed in 1975; it has been superseded by the town's new sign bylaw. This eliminates a duplicate of an old bylaw. ► **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.**
9. ***Bylaw Amendment 17-785: Repeal of Sidewalk Snow and Ice Removal Bylaw - 2nd Reading (Motion to move Bylaw Amendment 17-785 – majority roll call vote (5)).*** Ms. Pfeffer read the bylaw amendment. **MOTION to Move** Bylaw Amendment 17-785: Repeal of Sidewalk Snow and Ice Removal Bylaw by **Mercer. SECOND** by **Dellorco. Discussion:** ► Mr. Nutting stated this bylaw was passed in 1975 requiring people to shovel their sidewalks if they abut a public way; in forty years, the town has expanded dramatically. To his knowledge, in the past 15 years this bylaw has never been enforced, nor is it practical. The DPW generally clears the downtown anyway. He recommended this bylaw be eliminated. ► Mr. Jones confirmed this bylaw has no effect on fines for people throwing snow in the street. ► Mr. Nutting stated that is a separate bylaw and it is enforced. ► **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 ADMINISTRATOR'S REPORT: ► Mr. Nutting gave thoughts and prayers to Mr. David Baker whose wife DiAna recently passed away. She was a wonderful town employee and a wonderful person. This is a terrible loss and she will be greatly missed.

FUTURE AGENDA ITEMS: ► Mr. Dellorco stated the SAFE Coalition would like to come in and provide and update on everything they have done during the past 1 ½ years. ► Chairman Kelly asked Mr. Dellorco to provide possible dates to Mr. Nutting to plan that. Chairman Kelly asked Mr. Nutting to check on February 28 at 7:00 PM for a potential Zoning Workshop meeting to discuss Zone VII and other zones.

COUNCIL COMMENTS: ► Ms. Pellegrini gave condolences to the family of DiAna Baker. She also gave condolences to the family of Robert Rappa who was the former Treasurer for the Town of Franklin. She stated she had gone to the Patriot's send off and it was a great time. ► Mr. Padula, Mr. Mercer, Mr. Vallee, Mr. Jones, Mr. Dellorco, Mr. Bissanti, Ms. Pfeffer and Chairman Kelly gave condolences to the Baker and Rappa families. ► Mr. Jones announced that tomorrow morning at 10:29 AM, WFPR radio is going to start broadcasting with a limited schedule. ► Ms. Pfeffer stated the Franklin Police Department has on their webpage the number of overdoses in the Town of Franklin as well as the number of deaths. In 2016 there were 58 overdoses and 9 deaths. This epidemic is ongoing. She also stated that in the Milford News there was information about a homeless family. The church provided some assistance. She stated that there should not be people living in their cars in this town; let's get others involved to help out. ► Mr. Mercer stated February 26 from 11:00 - 2:00 PM is the Grand Re-Opening of the Franklin Senior Center. ► Ms. Pellegrini stated the Horace Mann statue presentation will be on Sunday, May 7 at 11:00 AM; invitations will be going out. ► Mr. Bissanti asked if there are any shelters available in an emergency for the homeless. ► Chairman Kelly stated there are some towns around Franklin that can help. He requested revisions to the Town Council schedule be given to Mr. Nutting as changes will be made.

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 7:52 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary