

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN - MARCH 30, 1981

The regular meeting of the Board of Selectmen convened at 7:30 PM. Present: Chairman John F. King, Claire F. Lavin, Town Counsel Aaron Bikofsky and Executive Administrator, Matthew P. Clarke. Clerk John F. DelPrete was absent.

WARRANTS

#161 - March 30, 1981 - Bills - \$155,616.58
#162 - March 30, 1981 - Block Grant - \$5,489.72
#163 - March 30, 1981 - Payroll - \$358,328.14
#164 - March 30, 1981 - Bills - \$397,225.43

AMUSEMENT LICENSES

St. Jeremiah Parish, 41 Brook Street, Parish Fair, May 29 & 30, 1981, 5:00 PM to 12:00 Midnight on Friday and 10:00 AM to 6:00 PM on Saturday at the Church Grounds.

Wesley United Methodist Church, 80 Beacon Street, Arts and Craft Show, May 2, 1981, 10:00 AM to 4:00 PM.

COMMON VICTUALER LICENSE: Uno Restaurants, Inc., 70 Worcester Road

COIN OPERATED MACHINE LICENSES

Reservoir Racquet Club, 75 Mountain Road, two (2) coin operated machines
Suburban Bus Lines, 196 Fountain Street, one (1) coin operated machine
Nobscott Pizza, 780 Water Street, one (1) coin operated machine

SECOND HAND ARTICLES LICENSE

Robert Klaff - The Fur Place, 157 Concord Street

SPECIAL MALT BEVERAGES & WINE LICENSES

Racquetime of Framingham, 21 Blandin Avenue, April 4 & 5, 1981, 12 noon to 11:30 PM.
St. Jeremiah Parish Fair, 41 Brook Street, Parish Grounds, May 29 & 30, 1981, 5 PM to 12 midnight, and 10 AM to 6 PM.

SPECIAL ALL ALCOHOLIC BEVERAGES LICENSE

Marian High School Fathers Association, Marian High School Cafeteria, 273 Union Avenue, 6:00 PM to 12 midnight, May 8, 1981.

ALL ALCOHOLIC BEVERAGES RESTAURANT LICENSE

Uno Restaurants, Inc., 70 Worcester Road, Stephen G. Immel, Mgr.

RATIFICATIONS

Permit to obstruct sidewalk

James H. McIntyre, 36 Union Avenue, wire sign, March 28, 1981.

Permit to open, occupy and obstruct street

C. Juistino, Inc., from Millwood Street to Blackberry Lane to Grove Street (work done on Blackberry Lane) approximately 300' per day, 4/3/81 to 6/30/81, installing water mains for Town of Framingham.

Commonwealth Gas Company, 1335 Old Worcester Road - 3/23 - 3/27/81

APPOINTMENTS

Special Police Officer - Hyman Feldberg, 22 Campbello Road, Framingham, for a term of one year.

TRAFFIC REGULATIONS

In accordance with the recommendations of Safety Officer Robert Foley the Board voted 2/0 to approve the installation of the following signs:

PARKING FOR FUNERALS ONLY

In front of Chiappini Funeral Home, 176 Waverly Street
(Two signs, pedestal type, movable)

Direction Signs to 100 Mt. Wayte Avenue, for WKOX Radio Station at the following locations:

WKOX, WVBF RADIO (ARROW RIGHT)

1. Main Street at High Street
2. Union Avenue & Mt. Wayte Avenue

WKOX, WVBF (double face sign)

1. Mt. Wayte Avenue at entrance to station, 100 Mt. Wayte Avenue
2. Franklin Street and Mt. Wayte Avenue

Reinstate summer parking regulations previously authorized at Framingham State College:

TWO HOUR PARKING

(East side in front of College) on State Street
9:00 AM - 11:00 PM

NO OVERNIGHT PARKING

Request for Eden Street Sign: Residents will be notified - Board will wait for response before taking action.
Request for sign at #9 Brewster Road: Residents will be notified - Board will wait for resident's response.

Chairman King opened the meeting by asking for a moment of silent prayer for President Reagan, Press Secretary James Brady, Secret Serviceman Timothy McCarthy and Washington, D. C. Police Officer, Thomas Delehanty who all were injured in an assassination attempt as the President was coming out of the Washington Hilton Hotel where he had just addressed a Labor Union group at a luncheon. The President has undergone surgery and he is expected to be fully recovered within two weeks. It is anticipated the President will be well enough to resume decision-making tomorrow.

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

MARCH 30, 1981

(2)

CONFERENCE - Attorney Michael Norris re: Submission of Application for Deli, Inc., Shoppers World for All Alcoholic Beverages License

Attorney Norris explained to the Board that Edward Sanderson has held a wine and malt beverages license since 1977. Mr. Sanderson did, for a short time, operate the Jordan Marsh restaurant which had an All Alcoholic Beverages License at Shoppers' World. He found that operating two establishments at that location was cumbersome to his business and he ceased the Jordan Marsh operation. The Deli, Inc. is operating successfully and Mr. Sanderson believes that an All Alcoholic beverages license at that location could enhance the business. Attorney Norris pointed out that since opening his business, Mr. Sanderson has operated a "family" type restaurant. There has never been problems at the establishment in conjunction with the present license and Mr. Norris does not anticipate there would be in the future. Definitely, a convenience will be served.

Mrs. Lavin asked Mr. Sanderson if he is equipped for serving all alcoholic beverages.

Mr. Sanderson replied that he will have to do some remodeling.

The Board determined to take the matter under advisement.

Recommendation of Safety Officer re: Traffic on Mansfield Street

Mr. Demeritt of 110 Mansfield Street is seeking relief from traffic on his street; he has indicated that he very nearly became a casualty because of speeding motorists. After some discussion, the Board agreed that prior to adopting the Safety Officer's recommendation, the impact of that recommendation should be further studied by the Traffic Safety Committee and the area residents will be notified of the proposed changes. No action will take place until further input is received by the Board.

Letter from Board of Public Works re: Condition of Sudbury River Bank

This matter requires action of Town meeting. If Town meeting so agrees, we would have to request a transfer of funds in order to have the work completed.

Memo from M. P. Clarke re: Special Town Meeting

Mr. Clarke is requesting that the Board of Selectmen call a special Town meeting within the Annual Town meeting. Prior to taking any action, Town Counsel Bikofsky reviewed the question of teacher payments for the Board: "If Legislature allows cities and Towns to override Proposition 2½ there could be one set of results. We are not sure anything will come out of Legislature; consequently, most cities and Towns will simply have to deal with the problem the following year with another meeting. Presently, there are so many proposals, it's difficult to know what is going to come out.

The teacher payment problem goes back as far as 1973. Back in calendar year 1973, the money was appropriated for the year in which the Town meeting was held. This case deals with the fact that you went into a new year without money and did not know until March or April what your budget was going to be -- that is the time there was a change in the fiscal year to begin July 1 and run to the following June 30 -- prior to that, the budget was operated on a calendar year. In order to switch over from January to December to a fiscal year beginning in July, you would have to pick up an extra six months some place in the six-month transitional budget from January '73 to June 30, '74. In the Spring of '73, Town meeting was asked to appropriate money for 18 months through June 30, '74. The 18-month size of the budget was enormous. The size of the budget was estimated to be less of an impact on the municipality with a deferral. According to law, teachers are determined to have earned their complete annual salary by June 30 of each year. Teachers choose to stagger their payments over July and August when they don't teach, but need their checks for the sake of convenience. The law says the school year basically is September to June. Theoretically, the year terminates June 30; teachers could ask for all their money in June. What the teachers will take in July and August of '74 you can defer until the next fiscal year. Appropriate enough money to pay for teachers through June 30, 1974. Under the law, those other two months were supposed to be added July 1, 1974. In order to cover for the transitional year you would have to appropriate 14 months. In 1974, the Legislature passed another act which, in a sense, would affect the issue here in Framingham. Because of the change of fiscal year, they were still feeling the crunch. Legislature passed a new act saying you could spread it over two years if you didn't want to raise the whole thing in FY'74. You could pay half then and half in FY'75. By June of 1976 all of the money should have been caught up. I gathered from the correspondence that I received Framingham did not pick up those two months that they chose not to appropriate in July and August of '74. Their cash flow was enough. Teachers were never in danger of not receiving their funds.

Following the financial accounting practices suggested by the Legislature in catching up on this fiscal year accounting, the solution has been worked out with the school people and the Department of Revenue. A Special Act does now what the '74 Legislature did then. They give the Town over two years to stagger those payments. Several other communities found themselves in the same position. Northbridge has been given us as a guideline. That Town had to get out of the same kind of situation. That is the history concluded Town Counsel. We make up the deficit each year -- if it is coming from free cash or the reserve fund -- that is the money that has already been appropriated.

M. P. Clarke: We had expected the expense to be \$700,000 which will be in the FY'81 School Department funds for salaries. We expect an overlay surplus of \$275,000 -- the amount of money required to be kept pending with the appeals of the Board of Assessors which will be available. There is an E & D Surplus of \$1.2 million. There is an additional \$525,000 of the E & D surplus equal to \$1.5 million. These figures were established prior to Proposition 2½ on the basis that the levies would aid we were going to cover half of this figure held and another \$1.5 million takeover would be budgeted the next year. We know there were other municipalities in the same situation. The net result was that they agreed we could pay it over a two-year period -- \$1.5 million for current funding out of the funds now and another \$1.5 million in the annual for the next fiscal year. We could utilize this money which we had allowed to fund the next fiscal year in order to lessen the impact of 2½ because by that time we would have the revaluation completed. The Deputy Commissioner was aware that we would not pay it all this year. It was agreed we could pay it over three years. This has been standard procedure for many communities. This is the first year the State has gone to standard practice -- they have adopted the procedure -- it is an accounting change.

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

MARCH 30, 1981

(3)

Memo from M. P. Clarke re: Special Town Meeting (continued)

J. King: What will happen if the Town takes no action on this?

M. P. Clarke: The Revenue Department would recertify the free cash. You no longer have the free cash. It has been applied. If the Town takes no action, the Revenue Department would not certify this Town.

J. King: In 1973, Keefe Tech School took care of their problem -- Judge Belmonte took care of that problem.

M. P. Clarke: The Finance Committee was told to budget in this particular way. To leave it out in one year but it is put back in the next year's budget.

J. King: Why was this not done? Why didn't the School Committee put in this money -- was no one concerned about making up this money for salaries? I would want to know why it was never picked up?

M. P. Clarke: The auditors now have it. Coopers/Lybrand will not go before the School Committee at this time to discuss the matter. Among the Accounting "BIG 8" it is generally accepted practice not to discuss an audit which is in process. When the audit is completed they will report to the Selectmen.

Town Counsel Bikofsky said the School Committee has been notified by way of letters addressed to Chairman Gallagher of the School Committee dated March 16 and March 23, 1981.

Mr. Clarke reinforced that the School Committee has been aware of the situation since 1976.

J. King: What effect does that have on the tax rate?

A. Bikofsky: From the source of the money, I don't think it is going to affect the tax rate. It might have an effect on the tax rate depending on the amount of free cash there is. In fact, there is a State Statute -- it could have an effect on the tax rate if the Department of Revenue wanted to make an issue of it. The money will be appropriated in the annual Town meeting this year and next year.

Chairman King asked Town Counsel whether he could attend the School Committee meeting to represent the Board tomorrow evening. Town Counsel stated his schedule would not permit this; however, he offered to call Dr. Benson, Mr. Duprez and Mr. Gallagher tomorrow, prior to the meeting. Town Counsel firmly believes the administrators understand what happened.

Mr. King asked Mr. Clarke to be present at the School Committee meeting to represent the Board. Mr. Clarke agreed to be there.

Chairman King called for a vote of the Board to call a special Town meeting. Mrs. Lavin moved to call the special Town meeting within the annual Town meeting on April 23, 1981, at 7:30 PM. In the absence of Mr. DelPrete, Chairman declared the vote 2/0.

Chairman King made the motion to open the warrant. Mrs. Lavin seconded the motion. Chairman declared the special Town meeting warrant open.

M. P. Clarke requested the following articles be included in the warrant:

1. A request for Legislative authorization to meet the Department of Revenue requirements for yearend teacher payment.
2. A request for Legislative authorization to remove the position of Director of Veterans Services from the Civil Service List.
3. An article to authorize the Tree Warden to use an alternate form of chemical for the purpose of spraying to control gypsy moth.
4. An article for funding the installation of underground wired street lights requested by a group of citizens.
5. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for the Abuse Prevention Committee.

The Board voted to adopt the five warrant articles as presented by Mr. Clarke.

Mrs. Lavin made the motion to close the warrant for the Special Town meeting on April 23. Selectman King seconded the motion. The Board voted 2/0 to close the warrant.

Memo from M. P. Clarke re: Fire Alarm System - Fee for Master Box Users

After a review of Mr. Clarke's recommendation, Mrs. Lavin made the motion and the Board voted 2/0 to accept the recommendation to charge a \$300 user's fee to the Town which will include five (5) day-time hours service calls. Additional service calls will be billed at \$25 each.

Report from State College area residents

Mrs. Lavin has heard from Kenneth Assirin that the residents are pleased that the situation in the area has improved. The residents are hoping that present regulations will remain in effect at least until the end of this session. If and when the college decides to change the complexion of Linsley Hall, this group would like to be together with the Board of trustees who are the overseers prior to the college deciding what is going to take place there. They would like to make recommendations to President McCarthy.

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

MARCH 30, 1981

(4)

Report from State College area residents (continued)

Mrs. Lavin requested that the opinions of the Board of Regents of the Commonwealth also should be obtained prior to making any decisions relative to the campus area.

Chairman indicated college representatives will be invited to come in next week. In the meantime, the Board noted the nine-point letter from Chief Martins relative to the campus problem. Mrs. Lavin made the motion, Chairman King seconded the motion that for the time being there will be no one-day beer and wine licenses issued to the college.

Concord Home Improvement suit against the Town of Framingham

Concord Home Improvement is suing the Town on Community Development stating HUD requirements the cause. They are looking for a substantial amount of money. The Board voted 2/0 that Town Counsel will defend this case.

Middlesex County vs City of Newton

Town Counsel feels this will be a difficult suit at best. The Town wrote to the Treasurer and the Commissioners back in October asking specific questions. They never even acknowledged the letter. A reminder was sent at a later date, still no response. The Town is gaining a lot of support -- there is a question of whether something should be paid. No conclusion was reached at this point.

South Middlesex Area Chamber of Commerce Survey

The Board received the survey just this afternoon. Ms. Cunha will be glad to come in next week to discuss the report.

Betty McGrath -- Personnel Department

The Board requested that Betty McGrath of the Personnel Department be placed on the agenda for next week.

May 1 Appointments by the Board of Selectmen

Mrs. Lavin requested that the May 1 appointment vacancies be prepared as soon as practical in order that the Board will have sufficient time to review the vacancies.

Letters from South Middlesex Legal Services, Inc. and from SMOC in support of SMILES

The Board noted receipt.

Report of Fire Department Overtime

The Board noted receipt.

Letter from Mr. Mistretta re: McGrath Square

The matter was referred to Engineer Fred Sergeant

Chairman called for further new, old or unfinished business. Hearing none, Chairman called for motion to adjourn.

Mrs. Lavin moved to adjourn.

Chairman adjourned the meeting at 9:15 PM.


