

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

DECEMBER 18, 1989

The regular meeting of the Board of Selectmen was held at 7:30 P.M. Present: John F. King, Chairman, Philip B. Ernst, Clerk and John F. DelPrete. Also present: Edgar C. Gadbois, Executive Administrator.

WARRANTS:

#77 - December 18, 1989 - Bills - \$754,966.72
#78 - " " " - Miscellaneous - \$2,377,703.34
#79 - " " " - Salaries - \$1,589,927.97

COMMON VICTUALER'S LICENSE:

Roma Restaurant and Deli - 2 Waverly Street

MOTOR VEHICLE LICENSES:

Class II:

Framingham Auto Wholesale - 124-154 Waverly Street
M & B Repair, Inc. - 2 Roxanna Street

DANCE LICENSE:

St. Stephen Parish Salvadoran Club - St. Stephen Parish Hall, Clinton Street - December 23, 1989 - 7 PM to 1 AM.

LODGING HOUSE LICENSE:

Lloyd French - 359 Hollis Street.

AUCTION - SPECIAL PERMIT:

Joseph Valardi, 365 Elm St., Gardner, MA - Coin Auction - Days Inn, Route 9 - December 27, 1989 - 7 PM to 10:30.

SECOND HAND ARTICLES LICENSE:

Richard & Margaret Hardy d/b/a The Hardy's Hall - 52 Union Avenue

SUNDAY ENTERTAINMENT LICENSES:

General Cinema Corp. of Massachusetts - Shoppers' World - Cinema I, II, III, IV, V & VI.

RATIFICATIONS:

Permit to Open, Occupy and Obstruct a Street:

New England Telephone and Telegraph Company - 141 Union Avenue - December 15 to December 16, 1989
" " " " " " " " - Cochituate Road at Mass. Turnpike Ramp. - December 18 to 19, 1989.

Commonwealth Gas Company - 94 Pond Street - November 24, 1989
" " " - 77 Ardmore Road - November 8, 1989
" " " - 1208 Concord Street - November 7, 1989
" " " - 7 Lindburgh Road - October 31, 1989
" " " - 96 Pond Street - November 15, 1989
" " " - 688 Waverly Street - November 4, 1989
" " " - 181 Danforth Street - October 29, 1989
" " " - 1206 Concord Street - November 7, 1989

HEARING - BOARD OF ASSESSORS - ALLOCATING THE LOCAL PROPERTY TAX LEVY:

Mr. R. Kincaid, Chairman of the Board of Assessors stated that the purpose of the meeting was to set the classification tax rates for commercial/industrial, residential and personal property. He explained that when they first start on setting tax rates, they first take a look at all the appropriations made by Town Meeting and then from that total amount, they deduct any amounts that can be raised on local receipts and then on state aid. Whatever is left over must be raised by property taxes.

Mr. Kincaid stated that Proposition 2 1/2 limits the amount of property taxes the town can raise to 2 1/2 percent of the total value of the town or an increase of 2 1/2 percent the year before. Whichever number is less is the amount the town can raise. For this year, we took last year's tax levy and increased it by 2 1/2 percent which is allowed by Proposition 2 1/2 and then we are allowed to add in any new tax revenue that could be generated from new construction. The end result for this year is a total property tax levy limit of \$256,249,000.00. On reviewing the appropriations at Town Meeting and other local receipts and state aid, they have come up with a tax levy of \$56,193,456.00 or an amount that is approximately \$55,000 less than the actual levy capacity. Following Proposition 2 1/2 and the Sudbury decision, the state also allowed us to classify our tax rates. This means that we could increase the tax rate for commercial properties and thereby reduce the residential tax rate to shift some of the burden from our residential property owners to the commercials. The original intent of this law was to prevent a large shift of the tax burden from the commercial properties to the residential. What they had done last year was 150 percent classification shift for the commercial properties and this is what the Board of Assessors is recommending this year. It means an approximately \$70.00 increase for the average valued residential property. Because they sent out an estimated bill last fall while they were awaiting the outcome of the state's fiscal crisis and a special town meeting, the majority of that increase will be seen on the spring's bill which is the second half of the fiscal '90 bill.

Selectman DelPrete asked with the resale of houses being minimal and people selling houses at a lower price, would that be taken into consideration in the overall town valuation or is it done on an individual basis?

R. Kincaid stated that the way they usually work it, go backwards a couple of years. In fiscal year 1988 or two years ago, the Town did complete a property revaluation and they utilized for that revaluation, properties that sold during 1986 for the most part. After the revaluation, the Department of Revenue sent out a review team and compared their proposed assessments with the properties that sold to insure that their values were fair and equitable and did reflect the market value.

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HEARING - BOARD OF ASSESSORS (continued):

On an ongoing basis, the Assessors are constantly looking at all the sales that occur in the town. The most previous sales they have looked at were the properties that have sold from January 1989 thru September, 1989 and for the most part they are selling approximately five percent higher than their present assessed values. There is always a chance that an individual house will sell for less than the assessment and there is always a chance that an individual house will sell for more than the assessment. When these people come before them, they will take a look at all the information they have, take a look at if they were in a hurry to sell their house or if some other reason forced them to sell their house quickly, that would reduce the value. If it looks like the assessed value was high, then they would take a close look at their entire street and their whole neighborhood.

Selectman Ernst stated that what is recommended with a 150 percent shift is a tax rate on residential of \$10.30 and commercial is \$18.86. He asked what the rates were last year.

R. Kincaid stated that the residential rate was \$9.80. The commercial rate was \$17.91.

Selectman King asked when a complete revaluation will be done again.

R. Kincaid stated that the next revaluation will be for Fiscal Year 1991. Since the last revaluation, the market has been very slow.

Selectman King stated that it is fair to assume that all of the tax bills will be on the values that were in place one year ago. There are very few homes that the value will change.

R. Kincaid stated that for the most part, from one revaluation to the next. They don't change values.

Selectman King stated that when Mr. Kincaid talked about 2 1/2 and how it applies, it was mentioned that all new property values that are picked up in a particular year can be applied to reduce that 2 1/2 percent levy.

R. Kincaid stated it works in the opposite.

Selectman King asked him to explain.

R. Kincaid stated that last year's tax levy was approximately \$53,900,000.00. We can increase that by 2 1/2 percent.

Selectman King asked how new revenues that are picked up thru new construction applies.

R. Kincaid stated that it would be added on top of the 2 1/2 percent. So the 2 1/2 percent is approximately \$1,000,000. Then we have an additional \$900,000 that could be raised from new buildings, so that is also added to last year's tax levy. The levy has been increasing approximately \$2,000,000 a year.

Following the discussion, the Board voted unanimously to adopt the recommendation of the Board of Assessors, on the motion of Selectman Ernst.

HEARING - GASOLINE STORAGE FOR B.P. OIL d/b/a GIBBS OIL AT 284 HOLLIS STREET:

Mr. Dennis Field of Ohio appeared representing Gibbs Oil. He stated that the current plans have been submitted to replace three 8,000 steel tanks with three 10,000 fiberglass double wall tanks with fiberglass piping and total containment sleeving on the piping for secondary containment to upgrade the spill containment for product delivery and spill boxes underneath the dispensers.

Selectman King asked what the hours of operation were of the station.

Mr. Field stated that he couldn't answer it.

Mr. James Rogers of Beaver Street, Town Meeting Member, Precinct 17, stated that he is employed by Gibbs Oil Company so he could tell the hours. They are 6:00 A.M. to 12:00 Midnight, Monday thru Friday - 7:00 A.M. to 12:00 Midnight on Saturday on Sunday.

The Board voted unanimously to grant a license to Gibbs Oil Co. on the recommendation of the Fire Chief.

CORRESPONDENCE FROM PAUL T. ST. ANDRE REQUESTING RE-APPOINTMENT AS CONSTABLE:

The Board voted unanimously to re-appoint Paul T. St. Andre, 9 Wenzell Road, Ashland, MA., 01721, as a Constable for a term of three years.

RECOMMENDATIONS OF SAFETY OFFICER RE: AMENDING THE TRAFFIC RULES AND ORDERS FOR RIGHT LANE MUST TURN RIGHT ON COCHITUATE ROAD WESTBOUND AT BURR STREET:

The Board voted unanimously to amend the traffic rules and orders on the recommendations of the Safety Officer.

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REQUEST FROM MARK WEINGART TO HAVE 2 UNREGISTERED VEHICLES IN DRIVEWAY:

CORRESPONDENCE FROM RICHARD MC INTOSH, BUILDING COMMISSIONER REGARDING THE ABOVE REQUEST:

Mr. Weingart, 70 Spruce Street, stated that he has two unregistered vehicles in the driveway and he requested that he keep them for a period of six months at the maximum. He uses one of them to store electrical equipment, because it is very inconvenient to bring it into the house. He plans on erecting a shed when the weather is reasonable. He said he was informed of this ordinance by means of being summoned to court for this violation. He had no idea that an ordinance existed. He is requesting six months time to erect a shed.

Selectman King read the correspondence from the Building Commissioner. It states that the town by-law is very clear that in no event will an unregistered, unsightly car or truck be stored in the front yard. The Board of Selectmen may authorize more than one unregistered car or truck be allowed to stay on the premises as long as it is not stored on the front yard.

Selectman Ernst stated that he discussed the by-law with the Building Commissioner and he said the Board of Selectmen could waive it, which has not been requested, but that in no event may those vehicles be in the front yard. He is prepared to go along with the request with the proviso that Mr. Weingart move those vehicles to at least the side of his house, if not, in the rear.

Selectman DelPrete asked Mr. Weingart how close the next door neighbor was. Was there a driveway between the two houses?

Mr. Weingart stated that there are two driveways between the two houses. There is approximately 16 to 20 feet between homes.

Selectman DelPrete asked about behind the house - was there room.

Mr. Weingart stated that there is a possibility, but it would be very difficult.

Selectman DelPrete stated that it could be a problem with the neighbors and also advised Mr. Weingart to check and see if it's possible to erect a shed.

The Board of Selectmen voted to extend to Mr. Weingart a six month grace period and he will immediately move the vehicles to the rear of the property.

The Board noted receipt of the following items:

Correspondence from Sam Swisher re: Eligibility of use of CDBG Funds to support Acquisition of Property to be used for municipal services.

Correspondence from Commissioners of Public Works re: funding of signs.

Correspondence from Massachusetts Municipal Association.

Copy of correspondence from Town Counsel re: Exxon Stations on Concord Street & Edgell Road.

Copy of correspondence from Finance Committee to Government Study Committee.

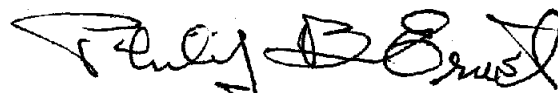
Correspondence from Town of Weymouth re: support in the filing of an Amicus Brief challenging the constitutionality of the impoundment of local aid funds. Mr. Gadbois to check with Town Counsel.

Fire Department Overtime for the weeks ending December 9 & 16, 1989.

FRAMINGHAM COBBLESTONE'S, INC. - 44 FRANKLIN STREET - 2ND FLOOR - LIQUOR LICENSE:

The Board of Selectmen was concerned with the Sports Bar that will be opening on the second level of Cobblestone's. Following the discussion, the Board voted to have a restriction on the liquor license. Only the locations where food will be consumed, whether it be at the bar or at the tables will alcoholic beverages be served. No alcoholic beverages will be allowed in the area where video games, pool tables, air hockey games, etc. are utilized by patrons.

The meeting adjourned at 8:45 P.M.



PHILIP B. ERNST, CLERK