

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

MAY 6, 1991

The regular meeting of the Board of Selectmen was held at 7:30 P.M. Present: Philip B. Ernst, Chairman, John A. Stefanini, Clerk and John F. King. Also present: Eleanor Sebastian, Assistant to the Executive Administrator.

WARRANTS:

#133 - May 6, 1991 - Bills - \$378,441.86
#134 - " " " - Miscellaneous - \$8,160,963.94
#135 - " " " - Salaries - \$1,656,706.03

SPECIAL ALL ALCOHOLIC BEVERAGE LICENSES:

Brian Ferri and Brenda Nelson - Village Hall, June 15, 1991 - 12:00 Noon to 6:00 P.M. (Wedding Reception)
Framingham State College - Ram's Den Pub, Fireplace Lounge - June 18, 1991 - 5:00 P.M. to 10:00 P.M.
Framingham State College - Ram's Den Pub, Fireplace Lounge - May 29, 1991 - 5:00 P.M. to 8:30 P.M. (Dinner Party)
Framingham State College - Ram's Den Pub, 1839 Room - May 18, 1991 - 1:00 P.M. to 3:00 P.M. (Bas Mitzvah)

SECOND HAND ARTICLES LICENSE:

Sheldon Smith of Sheldon Jewelers - 377 Worcester Road

JUNK DEALER'S LICENSE:

United Salvage Corp. of America d/b/a Framingham Salvage Company - 120 Waverly street

PERMIT TO OBSTRUCT A STREET:

Framingham State College - 100 State Street - Maynard Road to Access Road - Annual Street Fair for College on May 10, 1991 - 12:00 Noon to 9:00 P.M.

PERMIT TO OBSTRUCT A SIDEWALK:

Earl W. Harvey, Disabled American Veterans, Chapter #114 - Downtown Framingham and other business areas with permission. Solicitation for Forget-Me-Not Drive on June 27, 28 and 29, 1991.

BANNER PERMIT:

South Middlesex Latin Emergency Services, Inc. - Festival Hispanoamericano, Farm Pond, Dudley Road, June 30, 1991 from 12:00 Noon to 8:00 P.M. To be flown from June 18 thru June 30, 1991 across Concord Street at Fire Station.

HEARINGS - BOSTON EDISON COMPANY & NEW ENGLAND TELEPHONE COMPANY PETITION:

1. Central Street - place stub pole to include anchor & guys.

Mr. Joseph Bausk of New England Telephone Company attended to request permission to place a stub pole, 31/92S on Central Street. Mr. Bausk explained that the reason for the proposed pole is that there is now a pull under the existing pole 92 and they have a temporary tree guy that is in place now but it is not sufficient to hold the pole from falling over and this stub pole and sidewalk fixture will keep the pole from falling.

Hearing no objections, the Board voted to approve the petition on a 2-0 vote.

Boston Edison Company petition - "A" Street - guy wire and anchor.

Mr. Robert Lewis of Boston Edison Company attended to request permission for the installation of three poles on "A" Street. The poles are needed to provide electric service into the area which is going to be upgraded. They dead-end electricity on pole 14 and they want to continue with pole 15, 16 & 17 and tie back into pole 175 on Concord Street. They only have one single phase running through that and they want to bring in three phases. It will be a backup for the high school.

Hearing no objections, the Board voted to approve the petition on a 2-0 vote.

Selectman King did not participate in the hearings as usual to prevent any conflict of interest.

CONFERENCE - BOB GREELEY RE: GENERAL MOTORS ISSUE:

Mr. Greeley was unable to attend the conference.

Selectman Stefanini expressed his disappointment that Mr. Greeley was not in attendance and hoped to renew efforts to bring him in on a different occasion and possibly bring Mr. Liberatore in as well.

Selectman King expressed disappointment also and stated that it was his understanding that the Treasurer/Collector has not sent to General Motors Corporation, the amount of money that was agreed to by the meeting between Mr. Liberatore, Mr. Greeley and Mr. Croatti as to what the assessment would be and the refund. He asked Donald Croatti, Treasurer/Collector, if he was requested to hold the check in his office.

Donald Croatti stated, that's correct.

Selectman King suggested that the check not be sent to General Motors and that no action be taken on the General Motors rebate until such time as a new Board of Assessors is constituted. There is some question in his mind as to whether at the time that the rebate was agreed to and procedures that were followed. He recommended that the Board of Selectmen recommend to the Town Treasurer that the check we have in the office and a review of the General Motors property be done by the Board of Assessors.

Selectman Ernst asked if there were any legalities of returning that check. Are we supposed to pay after a certain period after the agreement.

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Mr. Croatti stated that there was a mis-quote in the newspaper that the check had to go out May 1. The law is such that you cannot generate a refund until May 1 and the reason is that is the due date for taxes and certainly if someone hasn't paid their taxes, we don't generate a refund so the law is that any time after May 1 that you can generate a refund. The refund doesn't generate until after May 1. Three-quarters of that tax bill had been paid and a refund has been generated by the lowering of the assessment to the General Motors property.

Selectman King stated that if his colleagues concur, he wanted to make sure that the record is clear, that this is a request from the Board of Selectmen and not a mandate.

Selectman Stefanini stated that the motion he would like to make is related to the issue of the General Motors assessment and assessment of commercial properties in town. He made a motion that Mr. Greeley and Chairman of the Board of Assessors appear before the Board and request their presence at the next meeting to clarify some of these matters so that we can either distribute the check or return the check to the general fund.

Selectman King moved that the Board of Selectmen request that the Treasurer withhold the check to General Motors.

Selectman Stefanini seconded the motion and it was voted unanimously.

Selectman Ernst stated that Mr. Stefanini's motion was to request that we invite Mr. Greeley, Mr. Liberatore and he suggested that we have the representative of CLT, Bob Marshall.

Selectman Stefanini wanted to add to the list, Town Counsel due to questions on the legality as to the composition of the Board at the time and questions of whether or not the assessment can be changed in this fiscal year.

Selectman King understood that General Motors officials requested a meeting with the Board of Assessors and that meeting with the Board of Assessors, our consultant and Mr. Greeley, this figure was arrived at. They didn't follow the abatement procedure that the normal taxpayer would follow and for that reason, he was concerned about the legality of it and what this does is when this matter comes before Town Meeting, that the Board of Selectmen should take a position that we would be in agreement to allow the new Board of Assessors to take another look at the General Motors property.

Selectman Stefanini stated that his understanding is that the change in assessed value came as a result of the re-valuation program and just to clarify that, he would like to have him come in because the time is of the essence relative to the application of the statute if it does, in fact, apply and he was not sure if it does or not.

Selectman King stated, you could be right on that, but he checked on this as late as last Friday and the information that he received was that this was arrived at at a meeting requested by officials of the General Motors Corporation and our consultant, not as a result of a re-valuation.

CORRESPONDENCE FROM TOWN COUNSEL RE: EXECUTIVE ADMINISTRATOR:

The Board reviewed correspondence from Town Counsel relative to correspondence received by the Town Clerk regarding the Executive Administrator and voter registration affidavits executed by him in 1989. Town Counsel reviewed the material sent to him including a letter dated December 5, 1990 from David J. Burns, Assistant District Attorney. He did not see any useful purpose in having the Board of Selectmen pursue it through the courts. The matter is now almost two years old.

Selectman Ernst stated as he recalled, Mr. Burns indicated that it was a matter of the courts and either the Board of Selectmen or any complainant could pursue it to the courts. At that time when we received the letter, the Board of Selectmen opted not to take any further action and the Town Clerk indicated that he wasn't going to take any further action, at least at that time.

Selectman Stefanini made a motion that a copy of the letter be sent to Town Clerk and wanted to acknowledge the Town Clerk's efforts in enforcing the election laws of the Commonwealth and the town. We are talking about, what he thought the Executive Administrator would say was a mistake and a misunderstanding. As such, he would move that we send a copy of the letter to the Town Clerk and also place a copy in the Executive Administrator's file.

The motion was seconded by Selectman King and voted unanimously.

CORRESPONDENCE FROM PRESIDENT OF FRAMINGHAM POLICE ASSOCIATION RE: REQUESTING TOWN FLAGS TO FLY AT HALF MAST ON MAY 15, 1991:

The Board reviewed correspondence from the President of the Framingham Police Association requesting town flags to be flown at half mast on May 15, 1991, which is Law Enforcement Officers Memorial Day. This year the Law Enforcement Officers Memorial will be unveiled by the Supreme Court building in Washington, D. C. in October of this year and Officers William Welch and Robert Zinck will be on the memorial.

The Board voted unanimously to fly the flags at half mast on May 15, 1991.

The Board noted receipt of the following items:

Fire Department overtime for the week of April 27, 1991

Letter of acknowledgement from the Boston Athletic Association in support of the B.A.A. Marathon.

Workmen's Compensation Vouchers for the week of May 2, 1991

Correspondence from Framingham Recycling Action Committee re: invitation to attend the 1st Anniversary Celebration of the Drop-Off Recycling Center at Mt. Wayte Avenue on Sunday, June 9 at 10:00 A.M.

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WORKMEN'S COMPENSATION:

Selectman King asked if the Personnel Director could review the twenty-one names that appear on the Workmen's Compensation vouchers for May 2, 1991.

Mr. Harland, Personnel Director, stated that the total weekly distribution for the twenty-one names on the list is \$5,165. This has been dropped down by over \$1,000 per week. It was averaging close to \$6,300 per week and presently it is averaging \$5,100 to \$5,300 so that is a considerable savings. The send people out for medical exams and it gives an idea of what people can do and then they get back to supervisors and set up a position that they can work to and it helps get the people back earlier. There are four additional employees on the list for FY/91 that are collecting. They have been in touch with Representative Magnani and there is legislation pending.

BLUE CROSS/BLUE SHIELD RATES:

Mr. Harland stated that Blue Cross/Blue Shield rates are contracted each June 1st of the year. They have come up with an eight percent increase. For the current year, we estimate that we are going to run near nine percent from the prior year. In FY/90 our health insurance increased over twenty-three percent and our rate increased ten percent. In FY/89 our rate increased one percent, it costs us one percent more than it did in the previous year. It increased to ten percent in our rates. One of the reasons for an eight percent increase this year is that the administrative charge has been reduced. The administrative charge is a charge that Blue Cross/Blue Shield applies to everyone of the claims.

Mr. Harland stated that there are a lot of different facets of our Blue Cross/Blue Shield. We have that to our indemnity plan plus we have a number of HMO's. If we have a number of our people in the indemnity group and they are all going to HMO, we are going to have significant adverse selection and the Blue Cross rate would become catastrophic. Blue Cross/Blue Shield indicates that we have to have a minimum participation of twenty percent so we would lose this in participation if we had an adverse selection, which means that all of a sudden you would have indemnity clients and have runaway costs and we would lose control of our group. They have stopped adverse selection from occurring and because of that, the rates are reflected by this eight percent increase. If they hadn't stopped it and our rates had increase, the rates would be catastrophic. They would have been probably a 30-40 percent increase. If they went below twenty percent, we wouldn't have an indemnity plan. The eight percent increase is very much in line with the HMO rates for this year.

Following the discussion, the Board voted unanimously to approve the recommendation of the Personnel Director regarding the Blue Cross/Blue Shield rates.

LATE ARRIVAL:

The Board reviewed correspondence from the Finance Committee asking for a confirmation from the Board of Selectmen that the Fire Department will operate one ambulance in accordance with the funds that were appropriate by Town Meeting and that a billing collection program is in place and that adequate personnel is provided to insure that there is a billing situation. Chairman Ernst stated that the Finance Committee is concerned because if we can confirm that and confirm it with the Town Accountant that there is a way that he can make it a wash by increasing the anticipated income, therefore it won't have to appropriate an additional \$250,000 to operate the ambulance service.

Selectman Stefanini stated that the amount of money that the Fire Department received was sufficient from discussions with the Fire Chief memorandums to provide one ambulance. A memo was received last week to that effect from the Fire Chief and he asked that a copy of that be sent to the Finance Committee which would confirm concern. A. As to the billing procedure that is in place and as to the personnel to provide the billing support, he would ask that Mr. Ernst discuss this with the Executive Administrator and the Fire Chief and prepare a memo to that effect from the Board to the Finance Committee to address that his understanding from discussions with the Fire Chief several weeks ago that the part-time billing position would come out of his personnel account, that he would be able to fund the account with Chaulk out of his operations account. He would clarify that with the Fire Chief and Executive Administrator and forward it to the Finance Committee.

LEAVE OF ABSENCE - KATE MAGDISON - POLICE DEPARTMENT:

The Board voted to grant a five day unpaid leave of absence to Kate Magdison of the Police Department. The dates are from May 6 through 10, 1991 to attend a class being conducted at the State Police Academy.

CONFERENCE - CHAIRMAN OF CAPITAL BUDGET COMMITTEE:

Ms Kathleen Pendergast, Town Meeting Member and Chairwoman of the Capital Budget Committee attended to discuss a proposed plan that would all the town to commit to a series of maintenance projects without costing anything during the next fiscal year. The projects include \$6.5 million to renovate the Police Station and buy land to build a replacement for the Hollis Street Fire Station.

Following the next fiscal year, interest payments on the money borrowed would be offset by bonds that will be paid off during the next three years.

Ms Pendergast stated that the town would not have to spend much more than it is currently spending on debt to pay for the interest on the money borrowed to pay for the projects.

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CONFERENCE - CHAIRMAN OF CAPITAL BUDGET COMMITTEE:

Aside from the police and fire station projects, the committee recommends the purchase of a fire engine and equipment for the Department of Public Works and the installation of handicap-access elevators in North High School. It also recommends repairing the Memorial Building, resurfacing the tennis courts and track at Bowditch Field and providing money for a new Assessor's map. All of those projects add up to \$11.7 million, none of which would have to be paid during the coming fiscal year. After that, debt during fiscal year 1993 would be about \$1.3 million.

The committee began working on the recommendations in February and made its decisions after receiving priority lists from department heads.

Selectman King stated that every year it's the same story, it's never the right time to bring it to Town Meeting. It is the right time and Town Meeting has to decide what projects it wants to fund over the years.

Selectman King made a motion to recommend that the Town Engineer and Building Commissioner investigate the Police Station and Hollis Street Fire Station to see how badly they are in need of repair.

Following the lengthy discussion, the Board did not take any action on the matter.

The meeting adjourned at 9:40 P.M.


JOHN A. STEFANINI, CLERK