

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

SEPTEMBER 30, 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: Edgar C. Gadbois, Executive Administrator.

WARRANTS:

#39 - September 30, 1991 - Bills - \$291,056.70
#40 - " " " - Miscellaneous - \$480,220.46
#41 - " " " - Salaries - \$499,776.46

SPECIAL ALL ALCOHOLIC BEVERAGE LICENSES:

Framingham State College - Ram's Den Pub, College Center Pub and Snackbar - October 5, 1991 - 3 PM to 8 PM.
Maggie Walsh - Village Hall - October 12, 1991 - 6 PM to 12:00 Midnight (Wedding Reception)
Steven Kohler - Village Hall - October 5, 1991 - 11 AM to 6 PM (Wedding Reception)
Recreation Management, Inc. d/b/a Suburban Athletic Club - 21 Blandin Avenue, October 25, 1991 - 7 PM to 1 AM.
Italian American War Veterans of U.S. Inc., 35 South Street - October 5, 1991 - 7 PM to 1 AM, (Wedding)

SPECIAL MALT BEVERAGES & WINE LICENSE:

Framingham State College - Ram's Den Pub - Maple Street Tennis Courts, October 5, 1991 - 11 AM to 1 PM.
(Alumni Barbeque)

AMUSEMENT LICENSE:

Yen's Yok, Inc. - 1138 Worcester Road - Juke Box - weekdays, 1991 - 8 AM to 1 AM.

AUCTION - SPECIAL PERMIT:

Francis Coffey, 25 Norfolk Road, Cohasset, MA - Auction to be held at 5-7 Saucier Street, Framingham on October 29, 1991 at 2:00 P.M. (Real Estate)

Warren A. Schwab, 32 Cedar Street, Millis, MA 02054 - Auction to be held at the Learning Center for Deaf Children, 848 Central Street on October 5, 1991 from 10:00 A.M. to 4:00 P.M. (Sports Cards Auction)

FORTUNE TELLER'S LICENSE - CHANGE OF ADDRESS:

Barbara Miller, 429 Worcester Road, Framingham.

RATIFICATIONS:

Permit to Open, Occupy & Obstruct a Street:

New England Telephone and Telegraph Company - Westerly of P. 120-2 Kendall Street - October 1, 1991
Framingham Cable - 668 Salem End Road - September 30 to October 1, 1991.

PROCLAMATION - KNIGHTS OF COLUMBUS:

The Board proclaimed October 3, 4, 5 & 6, 1991 as Knights of Columbus Charity Fund Days for Handicapped Children. Mr. Richard Luschick, Past Grand Knight of the Knights of Columbus and Chairman for the Tootsie Roll Drive attended to receive the Proclamation.

CONFERENCE - FINANCE COMMITTEE:

The Board met with members of the Finance Committee to discuss the FY/93 budget process. The Executive Administrator will get together with the Selectmen and Finance Committee to develop a course of action which would include the role of the budget process and Executive Administrator.

Selectman King stated that the Town Meeting has normally followed the Finance Committee recommendation ninety-five percent of the time. Five percent of the time where they don't follow the recommendation generates a great deal of debate. He is hoping for, rather than three different individual budgets, that we all work towards that one budget that we all agree upon and that is called the Finance Committee's recommendation. He thought our goal should be to bring one budget together and that is the Finance Committee's budget and if we do have a conflict we just spell that conflict out and hopefully let the Town Meeting be final arbitrator.

Selectman Stefanini suggested that the Chairman of the Finance Committee and the Board of Selectmen and Executive Administrator get together to try to synthesize the comments from all parties involved to put together on paper a process from beginning to end and present it back to this body separately or collectively so that it is clear where we are going and what we are doing prior to that so we know what the process will be so that when the controversy arises there are no changes in the process we have agreed on.

Selectman Ernst feels very strongly and he knows at least several members of the Finance Committee do from years past, he thinks we really should get together and get a Finance Officer for this town. Ed Gadbois is good and can handle it but he thinks we should have a Finance Officer, possibly with some computer knowledge so that he could run a computer system. He thinks that is an answer that somebody full-time, responsible to the Finance Committee, maybe hired by the Selectmen. The other matter is the Teachers' Salary Deferrment. When he first heard about it he discussed it, they amended it and made it worse in some respects. He heard this morning at a meeting from a Selectman in another town that they have proposed a second amendment to it that is supposed to make it all good and wise. When and if that every happens. When and if that every happens, since apparently the Selectmen by the second amendment are the authoritative board, to use it or not use it, he for one, would appreciate the recommendation of the Finance Committee when and if we make that decision and when it becomes clear.

Mr. Gadbois stated that he called the Massachusetts Municipal Association today and they have an amendment proposal going before the Legislature again which is to continue to provide that the Boards of Selectmen and Mayors and City Councils would determine whether you adopt it or not and secondly, they want to extend the date of October 15th and thirdly, they want to make it a two-month deferral and also the two-month deferral would take place during the next two years and the amount that would be deferred would be an unfunded liability which would be rolled over indefinitely. That's the proposal that is supposedly going through the Legislature.

Mr. Gadbois addressed the issue of the deficit. We have the \$1.8 million deficit which is made up of two parts, there are two reasons for it. There was a shortfall in state aid of \$800,000. The second part of it deals with the revenues from the water and sewer accounts. The reason why there was the million dollar shortfall in the water and sewer revenues is first of all, this \$500,000 worth of cost was not factored into the new rate schedule. That is the primary reason. The second \$500,000 was over-projected.

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CONFERENCE - FINANCE COMMITTEE (continued):

When the numbers were being developed, Arthur Gallagher has a formula and he only takes seventy-five percent of the numbers that are projected to be additional revenues and he had taken one-hundred percent of the projected revenues and that is why that number developed. That is what makes up the million dollar shortfall in that respect. Our free cash account reflects a deficit of \$600,000. At town meeting this year we had appropriated \$1.1 million in free cash and we only had \$500,000 that we could have appropriated. There is a total deficit of \$2,400,000. You may have heard the figure \$2.6 but in a knocked down discussion in terms of department heads we came up with some areas that we didn't have to address and the Fire Department has made some real strides in dealing with the overtime and they are now indicating that they can live within their budget so that \$200,000 doesn't have to be addressed. What are some of the options that we have? Option 1 - we reduced the water and sewer accounts by \$500,000. You can take some of the operating parts or you can take some of the articles that were approved at Town Meeting. The second item is that we reduced the Vocational School assessment by \$180,000. Thirdly, the Sanitation budget, they have indicated that if it is privatized that they can save \$500,000 per year. This year there is a \$200,000 anticipation for unemployment costs so that knocks it down to \$300,000 and assuming we didn't get the privatization program into effect until January, let's say there would only be a six months savings, it is conceivable that \$150,000 could be found in the Sanitation budget. There is the Bose property sale. The town has sold some property to Bose Corp. and he hasn't seen the final numbers but he believed they came in over \$200,000. There is some restrictions on how that money can be used and will be discussing with Town Counsel but it is his understanding that it can be used to amortize principal and interest payments so that would have to be looked at. The fifth item is to defer the \$600,000 deficit. That shortfall that we now have in the free cash account can be deferred until FY/93 but he wanted to warn that it just makes it tougher in FY/93 to deal with it. There is the unemployment area. The Personnel Director has indicated an \$85,000 savings. He sees it as a possibility. That is a number that may be available but he understands that the Senate is now extending unemployment benefits so if that is the case that is a soft number also. That leaves us with reducing operating budgets \$670,000. In other words, we would have to go into the operating budget and find \$670,000 and at this time, he is discussing this with department heads.

Ms Tosti asked about #5, the \$600,000 deferral - was it related to the State legislation on the deferral of teachers' salaries?

Mr. Gadbois stated no, that has nothing to do with it.

Mr. Jim Dwyer stated that it was the understanding of everybody involved in the presentation of the Capital Budget that that money would be something that was reserved for the Capital Budget program and to back track on that now is a little late in the game.

Mr. Gadbois stated that the money is there, he was just pointing it out.

Option 2 - Another option that could be utilized and that would be to utilize the same items in Option 1 except do not defer that \$600,000 until FY/93, rather address it this year and that would mean we would have to look at \$1.2 million dollars for cuts in existing budgets. There are still some additional factors that can be brought into the discussion. There is the possibility of sale of some additional town land. Bose has shown an interest in some additional property where the pumping station is now located and he didn't have a number for it but he believed it was around \$100,000. Another possibility is to extend the lease extension that we have with the Jonathan Maynard School. There had been some interest shown about a year ago on the part of the owners of the property that they would be willing to pay up front, a substantial amount of money for an extension of their lease.

Ms Virginia Marino stated that at the Finance Committee meeting last week, Mr. Gadbois and Mr. Stefanini were there and she asked who was responsible for the mistakes. She asked what is being done to see that this does not happen again. We must not or try not to allow the same thing to happen again.

Mr. Gadbois suggested that the Chairman of the Finance Committee with someone else from the committee, meet with the Town Accountant and get an explanation from him as to how this came about and the reasons why and then, they in turn, can give a written report to the Board of Selectmen and make a public statement as to what actually took place.

Selectman Stefanini suggested having the two chairpersons get together along with the Executive Administrator to try to synthesize the discussion as a concrete proposal submitted to us collectively so that we can put on paper the specifics of our discussion so that we all know from the beginning where we stand.

Mr. Tom Scionti, Chairman of Commissioners of Public Works, stated that he was concerned about a couple of things just said in regards to the sewer and water. There have been allegations that the sewer and water rate isn't properly set and not covering their expenses. The Board has reviewed that several times. They are still waiting for some information to show them where that rate isn't properly set. The Board is the first to admit that it left a particular cost item out but they also left more than an off-setting amount of revenue out of their rate set that off-set that particular mistake. There was also a question about some bonding that they did not know about. They still do not have the details of what that bonding item is that they were asked to include into their rate. Another factor that hasn't been brought out is when they set their rate they underestimated the use from the residents of the water. They actually reduced what they normally would have used as a billing amount by five percent to make sure that they had an adequate rate set. There were several compensating factors that the Board used so when we hear that we are looking at the water rates as being inadequate he has got some concerns on that. Some of the concerns also of cutting the sewer and water budgets for some of the capital items. The Board would be the first to admit that maybe one we could delay but not all of them. For instance, the Howard Street refurbishing of the sewer line is very important. That has already collapsed before and they could have further problems with that. That is not one item that he would defer. He would consider the deferral of the painting of the water tank. That should be done but could be deferred. The sewer, we are asking for trouble by deferring that any further. There may be an inadequacy of about \$150,000 but that still is off-set by the amount that they reduced their usage by. They expect that they will probably generate in excess as always, a couple of hundred thousand dollars to the actual money spent. The Board of Public Works in its rate setting in the past has always generated income in regards to the sewer and water, an excess amount and they don't think there is going to be much exception to that this year. Hopefully, if they set their rates right that there will not be the same

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CONFERENCE - FINANCE COMMITTEE (continued):

extent that there has been excess in the past but they are not responsible to the rate payers.

Selectman Ernst stated basically the intention of this meeting was to talk over a process of handling the budget for the annual Town Meeting. It came up at the end, a proposal for the October 23rd Town Meeting which we are going to try to use that process towards. He sat in on a meeting the other day where the Director of Public Works and the Town Accountant were discussing this and nobody came out of that meeting pointing fingers. There was no indication by Mr. Gadbois that there was any mistakes or anything made.

Mr. Scionti thought he heard that there was about a \$500,000 deficit because of the rates that were set. In other words, because they did leave out one particular item. There was one budget item that was inadvertently left out. They also brought forward information that they left out anticipated revenues of about \$350,000 and they specifically left those out because those were new revenues and they wanted to age them but the fact is that they did expect those revenues as well so that the rates that they did set at least anticipated additional revenues coming in and they did explain that.

Mr. Gadbois suggested to Mr. Scionti that he would like him to sit down with Arthur Gallagher who is the one who is responsible, who is the one that has to put down the signature when it goes in to the state to have them certified as to why he feels that the amount of monies that are going to be generated are not meeting what we had anticipated. No one is blaming the Department of Public Works or blaming anyone in terms of those issues.

ARTICLES - SPECIAL TOWN MEETING:

The Board adopted five articles to be included in the warrant for the October 23, 1991 Special Town Meeting.

CORRESPONDENCE FROM BUILDING COMMISSIONER RE: NUISANCE AT 27 MAIN STREET:

The Board reviewed correspondence from the Building Commissioner requesting remedial action pertaining to overgrown vegetation and fallen trees at 27 Main Street. An attempt has been made to contact the last known owner of no avail. It is unknown who the responsible parties are relating to this property. The taxes have not been paid since 1988. Under the provisions of Section 3.1 of the Nuisance By-Law, he petitioned the Board for remedial action, have the town cut the grass, trim the shrubs and remove the fallen tree and place a lien on the property to cover the cost of the above.

Selectman King made a motion to approve the recommendation of the Building Commissioner, seconded by Selectman Stefanini and voted unanimously.

CORRESPONDENCE FROM VISITING NURSE ASSOCIATION RE: VACATED YOUTH COORDINATOR'S OFFICE:

The Board reviewed correspondence from the Visiting Nurse Association requesting the use of the vacated Youth Coordinator's office at 50 Lawrence Street. They agree to pay an additional \$500 in rent per year to the town for this space.

Selectman King made a motion to approve of the request, seconded by Selectman Stefanini and voted unanimously.

CORRESPONDENCE FROM PARENTS OF POTTER ROAD SCHOOL AREA RE: NO STOPPING-NO PARKING SIGNS:

The Board voted unanimously to refer the matter to the Safety Committee.

CORRESPONDENCE FROM SAFETY OFFICER RE: SIGNAL LIGHT FOR KENDALL AVE./KENDALL LANE:

The Board reviewed correspondence from the Safety Officer regarding concerns from Mr. & Mrs. Fisher of Kendall Avenue and recommending that a signal light be installed at the crossing of Kendall Avenue and Kendall Lane. Captain Foley recommended that the request be referred to the Town Engineer for a study. There are school zone signals and Stop signs at this location. It appears that this is not a high accident location and would not qualify for federal funds.

Selectman King recommended that the matter be referred back to Captain Foley and determine whether we can establish a safe walking route to and from school for children that have to cross at this location.

The Board voted unanimously to refer the matter back to Captain Foley.

CORRESPONDENCE FROM FRANK A. PECCI REQUESTING APPOINTMENT AS CONSTABLE (Brighton resident):

The Board noted receipt.

CORRESPONDENCE FROM ARTHUR FINSTEIN/JULIA OLANDER RE: ARTS LOTTERY COUNCIL APPOINTMENT:

The Board reviewed correspondence from Arthur Finstein of the Arts Lottery Council requesting that Julia Olander be appointed to the Council.

The Board appointed Julia Olander, 459 Brook Street, Framingham, a member of the Arts Lottery Council for a term to expire July 1, 1993.

CORRESPONDENCE FROM ITALIAN AMERICAN CLUB RE: USE OF UPPER HALL FOR A FUNCTION (SPECIAL BEER & WINE LICENSE REQUIRED):

The Board voted unanimously to approve the request of the Italian American Club to use the upper hall for a function on October 5, 1991 from 7:00 P.M. to 1:00 A.M. for a wedding.

CORRESPONDENCE FROM ARTHUR NOONAN, PLANNING DIRECTOR RE: PETITION FOR COMMON CARRIER LICENSE:

Arthur Noonan, Planning Director was in attendance and explained that the memorandum is requesting that the A-Conasuer Transportation Corporation receive a permit as a Common Carrier over the streets of Framingham in order to operate the LIFT system. The reason this is before the Board is that they had a series of bids and received three bids for the service of the LIFT and A Conaseur Transportation was the successful low bidder.

Mr. Erik Gibbs is the Vice President and has shown an excellent record in operating the Lexpress System which is in the Town of Lexington and in addition to the other concerns they have about keeping their schedules and

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CORRESPONDENCE FROM ARTHUR NOONAN, PLANNING DIRECTOR RE: PETITION FOR COMMON CARRIER LICENSE:

keeping the buses in line, we had the accessibility factor and in January we will have three new accessible vehicles so that the Town of Framingham will be in complete compliance with the MBTA's requirements and the American Disabilities Act requirements by having a transportation service that is totally accessible. Mr. Gibbs' firm was able to do this within the confines of our existing budget.

Selectman King moved to accept the recommendation of the Planning Director to award the contract as recommended, seconded by Selectman Stefanini and voted unanimously.

CORRESPONDENCE FROM ATTORNEY JOHN GARRAHAN RE: 9/90 CROSSING ASSOCIATES L.P.:

The Board noted receipt of the correspondence from Attorney John Garrahan regarding 9/90 Crossing Associates. Selectman Stefanini requested that a copy of the letter be sent to Town Counsel.

CORRESPONDENCE FROM RESIDENTS OF BURDETTE AVENUE RE: STREET LIGHTING:

The Board reviewed correspondence from residents of Burdette Avenue regarding street lighting and requesting to come before the Board to discuss the matter.

The Board voted unanimously to grant the request to discuss the matter.

CORRESPONDENCE FROM ABCC RE: NOTICE OF HEARING (FRAMINGHAM ENTERTAINMENT CENTER, INC., 220 WORCESTER ROAD):

The Board reviewed correspondence from the Alcoholic Beverage Control Commission regarding a notice of hearing to be held in Boston on Tuesday, October 8, 1991 for the approval or revocation of the liquor license for Framingham Entertainment Center, Inc., 220 Worcester Road.

The Board noted receipt.

The Board noted receipt of the following items:

Correspondence from Mass. Division of Community Sanitation re: Police Station

Correspondence from Townwide P.T.O Council re: B.J.'s Wholesale Club

Correspondence from Greater Precinct 12 Neighborhood Association re: Cushing Hospital

Police Department Overtime for the week of September 27, 1991

Selectman King noted receipt of court time of \$2,643 and general overtime of \$4,017 and federal grant money of \$1,557. He asked Mr. Gadbois if he was controlling the overtime expenditures of the Police Department.

Mr. Gadbois stated that he was not.

Selectman King moved that Mr. Gadbois, as part of his responsibility, to set in place some control of the overtime expenditures with the Police Chief on a weekly basis as well as the Fire Chief, seconded by Selectman Stefanini.

Workmen's Compensation vouchers for the week of September 26th

Selectman King asked about the cases that go back to 1987 and 1988 and to get some resolution from the Personnel Director.

Mr. Gadbois has not heard from the Personnel Director yet but they are working on them.

Selectman Stefanini thought it would be worthwhile to invite the Personnel Director in to review the cases.

Mr. Gadbois will invite the Personnel Director to a meeting with the Board.

UNFINISHED BUSINESS:

24 HOUR OPENINGS (CVS PHARMACY AND WALGREENS PHARMACY)

Selectman Stefanini stated that this issue should be approached in two phases 1) should we have 24 hour openings for a pharmacy in the town and 2) if we should have a 24 hour opening, maybe we should send out a request or a request for proposals to pharmacies within the town to see which of them might be interested. After reviewing the recommendation of the Chiefs of Police and Fire and that of Murray Leipzig, Director of Framingham Union Hospital, he was not sure that a 24 hour pharmacy might be to the benefit of the citizens of Framingham. He was not sure that either of these locations are locations that he would accept.

Selectman Ernst stated that he had occasion to talk with his medical doctor on the matter and he indicated that if you wanted to keep them open until 12:00 midnight, it would take some of the steam off the hospital, otherwise if you have a requirement for a drug in an emergency, you can go to the emergency room at the hospital which is open all night and they will give you a sufficient amount of medication to get you through the night. These pharmacies, probably their pharmaceutical business counts for maybe ten or fifteen percent, all the rest of the items they sell and it is a place for people to gather.

Selectman Stefanini also thinks that if you look at the health care delivery system which tends to increase by leaps and bounds and one of the reasons is because of the utilization of health care through the Emergency Room and one of the things this would do is to enable the people of the town to get prescriptions and/or over the counter drugs through a less cost, the mechanism would be a 24 hour pharmacy.

Selectman Ernst asked how you select the one.

Selectman Stefanini stated the process he suggested is to send out a letter to each of them soliciting them for their proposals and to have a hearing and determine from there.

He didn't think that CVS is the greatest location on Route 9 where it is more of a retail ship than a prescription store.

Selectman King moved that the request be denied, seconded by Selectman Ernst.

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UNFINISHED BUSINESS (continued):

CONSTABLE APPOINTMENT FOR PATRICIA BEAUREGARD (Framingham resident)

CONSTABLE APPOINTMENT FOR DENNIS OBSHATKIN (Weston resident)

Selectman King moved that the matter be left on the table until a recommendation is received from the Police Chief, seconded by Selectman Stefanini.

LIQUOR LICENSE TRANSFER OF CUGINO'S TO VARIETY STORES OF AMERICA, 731 WAVERLY STREET TO 269 HOLLIS STREET,
ALSO TRANSFER OF OWNERSHIP:

The matter was tabled on the motion of Selectman King, seconded by Selectman Stefanini.

CORRESPONDENCE FROM DEPARTMENT OF PUBLIC WORKS RE: PROVISION FOR LAYOFFS:

Selectman Stefanini moved to add this to the agenda for the October 21st meeting when the Board meets with the Commissioners of Public Works and the consultant relative to the privatization of trash, seconded by Selectman King and voted unanimously.

SUDBURY VALLEY TRUSTEES CONSERVATION RESTRICTION - WAYSIDE INN ROAD:

The Board tabled the matter.

SPECIAL PERMIT ~~on~~ SUNDAY OPENING - PACKAGE GOODS STORES:

Selectman Stefanini moved that it is the policy of the Board not to allow special permits for Sunday openings for Package Goods Stores, seconded by Selectman King and voted unanimously.

The meeting adjourned at 10:05 P.M.



JOHN A. STEFANINI, CLERK