

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

DECEMBER 2, 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:

#66 - December 2, 1991 - Bills - \$266,918.52
#67 - " " " - Miscellaneous - \$1,908,582.42
#68 - " " " - Salaries - \$2,153,972.02

SPECIAL ALL ALCOHOLIC BEVERAGE LICENSES:

Melanie and Edward Egan - Village Hall - December 7, 1991 - 4:00 P.M. to 10:00 P.M. (Wedding Reception)
Framingham Civic League - Framingham Civic League, 214 Concord Street - December 7, 1991 - 7:30 PM to 12 Midnight

SPECIAL MALT BEVERAGES AND WINE LICENSE:

Club Union Hispana - Framingham Civic League, Concord Street - December 21, 1991 - 8:00 P.M. to 1:00 A.M.

DANCE LICENSE:

Club Union Hispana - Framingham Civic League, 214 Concord Street - December 21, 1991 - 8:00 P.M. to 1:00 A.M.

SUNDAY ENTERTAINMENT LICENSE:

Columbus Club Inc. of Framingham - 11 Fountain Street - December 15 and 22, 1991 - Live Entertainment.

HEARING - BOSTON EDISON COMPANY PETITION - EDMANDS ROAD - CONDUIT:

Ms Carol McManus of Boston Edison Company attended to request 4 feet of conduit on Edmands Road. It is an underground service going off an existing pole and will service a new home.

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

As usual, Selectman King did not participate in the hearing to prevent any conflict of interest.

LIQUOR HEARING - TRANSFER OF OWNERSHIP AND PLEDGE OF LIQUOR LICENSE OF G.M.P. INC. d/b/a UNION MINI MARKET, WILLIAM POULOS, MANAGER TO MARMINA, INC., SAHER MACARIUS, MANAGER, AT THE SAME LOCATION 545 UNION AVENUE- WINES & MALT BEVERAGES PACKAGE GOODS STORE LICENSE:

Attorney Brian Flynn attended to represent Marmina, Inc. and Mr. Saher Macarius, the proposed transferee. Mr. Macarius is an American citizen presently working for a security company in Boston which will cease if this process is approved in his favor and he will work full-time as the manager at the Union Avenue market.

Members of the Board expressed their concerns relative to the sale of alcoholic beverages to minors in the town. Relatives of Mr. Macarius were also in attendance and discussed their experience in the sale of alcoholic beverages.

Following the discussion, the Board voted unanimously to approve the request and asked that the transferees meet with members of the Police Department to make sure that they are well versed on the liquor codes and procedures.

HEARING - PACKAGE GOODS STORE OWNERS RE: ALLOWING PACKAGE GOODS STORE OWNERS TO OPEN ON THE SUNDAY BEFORE CHRISTMAS AND NEW YEARS DAY:

Mr. John Acton, Treasurer of the Framingham Liquor Association and owner of The Liquor Store on Route 30 attended to request the Board allow package stores and beer and wine stores to open on the Sunday prior to Christmas and the Sunday prior to New Year's Eve. In the past the Liquor Association has been opposed to Sunday openings but the recession is crippling not only their business but everybody's. Five towns around Framingham have already decided to allow their stores to sell alcohol.

Following the discussion, the Board voted unanimously to grant the request of the Framingham Liquor Association to allow them to remain open on the two Sundays prior to Christmas and New Year's and that the hours of operation be from 12:00 Noon until 10:00 P.M.

CONFERENCE - ALAN FERGUSON AND JOHN KAHN RE: TAX BILLS:

A letter from John Kahn, Chairman of the Finance Committee was read relative to tax bills.

Alan Ferguson, Chief Assessor, responded to the concerns. He stated that they have to date, converted the residential tax base onto the in-house computer system and have conducted a building by building review of virtually every commercial property in town over the past six weeks. They have conducted a very detailed survey on income expenses of commercial properties and have received many of those returns, analyzed them and presently they are using those to form the basis for any adjustments in the commercial property class. They will be finishing off the values in the next day or two. He hoped that by Wednesday night they will have finished the analysis and conducted the adjustments to value as part of the update to the values that were generated last Spring from the Revaluation Program. The findings are that presently our residential class is three or four percent higher than the average sale price. The assessments are coming in about three or four percent higher than the sale prices so they will be bringing those down on the single family homes. They are looking at a 15 to 20 percent decrease in value on the condominiums because those markets are separate and the market has fallen off drastically over the past two years. On the commercial side it is more difficult to generalize. They will be seeing further declines in the values in many segments of the commercial market next year. On the residential side the values at this time are fairly stable. They are seeing a multi-year decline in the commercial market. Many of the largest and most expensive properties are no longer owned by the people that built them and as these properties are being taken back by the financing organizations, the financing organizations are commanding less and less rents also and it is a re-enforcing spiral. One of the reasons why they reviewed all the commercial properties was because of the number of appeals - thirty percent of the income producing properties are under appeal with the assessing office. In the past month they have met with many of the representatives of the largest companies to try and come to terms with why they are under appeal and what is wrong with the values. In addition to the problems with the deflation in the rents there are mistakes in value. Some of them are very large.

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CONFERENCE - ALAN FERGUSON AND JOHN KAHN RE: TAX BILLS (continued):

Mr. Ferguson stated that we could be looking at a \$30 tax rate next year on the commercial class properties if the shift were adopted by the Board of Selectmen at the full 75% shift as suggested by the Finance Committee. The tax rate would go up from \$20 to close to \$30. This is by taking into account the following two conditions: 1) we have a 10% override, the tax rate goes from \$20 to \$22.00, 2) there is a deflation in the market perhaps another 10 or 15 percent so we are looking at another \$2.40 on top of that is \$25 and if we increase the shift again that will bring it up close to \$30. The tax rate at present is \$10.78 on a residential and \$19.73 for commercial. If there was no split in the rate he believed the unified tax rate would have been \$13.00.

Selectman King asked Alan to respond to the letter from John Kahn relating to a statement that it appears that residential taxpayers have seen increases of 5% rather than 2 1/2% that they expected on the tax bill and was it correct.

Alan stated that he went back about two months ago and reviewed the average tax bills going back about ten years and as a result of the override the tax bill for 92 when they projected it was just about equal to what the 1982 tax bill was. The average tax bill on a single family home in 1992 would equal the 1982 tax bill. They took into account inflation.

Selectman King suggested that Mr. Gadbois and Alan Ferguson respond to John Kahn's letter prior to Town Meeting. It was requested that a notice of explanation be sent to taxpayers with the tax bills.

At the conclusion of the discussion, the Board thanked Mr. Ferguson for attending.

CORRESPONDENCE FROM FRED SERGEANT, TOWN ENGINEER RE: AVON STREET:

The Board reviewed correspondence from Fred Sergeant, Town Engineer regarding recommendations for changes on Avon Street.

The Board voted unanimously to approve of the recommendations to amend Section 18 of the Traffic Rules and Orders. and to install a STOP sign at the easterly end of Avon Street. Also a double yellow line be painted down the center of Avon Street, terminating in close proximity to Hollis Street. The neighbors will be notified of the change who had concerns.

CORRESPONDENCE FROM EXECUTIVE ADMINISTRATOR RE: HOLIDAY SCHEDULE:

The Board voted unanimously to approve of the Holiday Schedule for the Memorial Building as follows:

Closed at 12:00 Noon on December 24th

Reopen on December 26th at 8:30 A.M.

December 31st will be a regular working day (8:30 A.M. to 5:00 P.M., Reopen on January 2, 1992 at 8:30 A.M.

CORRESPONDENCE FROM SAFETY OFFICER RE: RECOMMENDATIONS FOR INTERSECTION OF PARK STREET/FRANKLIN STREET:

The Board voted unanimously to approve the recommendations of the Safety Officer relating to safety measures and also eliminate from the corner on Park Street the parking space with a "NO PARKING" sign.

CORRESPONDENCE FROM POLICE CHIEF LARRABEE RE: LIQUOR VIOLATION:

The Board reviewed correspondence from the Police Chief regarding a liquor violation at the Stadium Club at 44 Franklin Street, requesting that a hearing be set up.

The Board voted unanimously to approve the Police Chief's recommendation to set up a hearing.

ARTICLES - SPECIAL TOWN MEETING:

The Board discussed the articles for the Special Town Meeting on December 4, 1991.

Selectman Stefanini stated that Articles 2 and 4 are void relative to Farley School and Muster Field regarding a proposed site for a Police Station. He stated that the sponsor has stated that they will move for indefinite postponement. If it comes up he would hope that the Chairman of the Board would stand up in support of indefinite postponement in the event they are not moved for indefinite postponement because he was prepared to discuss the two sites as locations in the event there is a different plan.

Selectman King stated that the position of the Board has been established sometime ago when the Focus Committee looked at all the various suggestions that had been made to this Board and Town Meeting as to the location of the new Police Station and it was as a result of the position that they have taken that we recommend that the location be its present location on Union Avenue. They are prepared to give their reasoning as to why these other locations would not be desirable. They have been investigated. In some cases we have received letters from attorneys stating that the land in question was not available for that purpose. He suggested that the Board allow the Focus Committee to answer as to what the various locations that had been suggested and that this Board take a position supporting the location of the Police Station as it presently is on Union Avenue.

Selectman King moved that the Board continue to support the proposal and recommend that Mr. Gadbois speak on behalf of the Board of selectmen and the Focus Committee because all of these locations have been investigated, seconded by Selectman Stefanini and voted unanimously.

Article 5 - Stabilization Fund:

Mr. Gadbois stated as of last Wednesday, the Governor approved an amendment to Chapter 223 which in effect, addresses the issue of teacher deferral. About a month and a half ago there was a request on the part of the Finance Committee before this Board to approve legislation which would defer a couple months of teacher salaries in FY/91 & 92, however the Board did not approve it at that time and he did not recommend the Board approve it because the way it was set up at the time you would have to pay all of the deferral back in one year in FY/93 and he thought it would have been a disaster in terms of economic planning for the FY/93 budget. There has been a new piece of legislation that addresses that issue of paying it back in one year and what it does is that it defers teachers salaries, two months of those salaries until FY/96 and then it allows you to amortize that over a fifteen year period or a much quicker period if you so wish.

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Article 5 - Stabilization Fund (continued):

Mr. Gadbois recommended that the Board adopt the legislation. It gives flexibility and with a more effective way of paying back the money that is to be deferred. It could be of some use if resources were not available in the next few years to meet certain unforeseen major expenses. This could be a vehicle to address that. Because the School Committee is not aware of this issue at this point, out of courtesy to them, he suggested that the Board meet with them Wednesday at 7:00 P.M. and also invite the Finance Committee at which time the issue could be deliberated and make a decision.

The Board will meet Wednesday, December 4th at 7:00 P.M.

Article 6 - Sponsored by Personnel Board.

Selectman Stefanini stated that the Fire Chief came before this Board several months ago for the position of a Billing Clerk that would save the town some \$26,000 due to billing in-house rather than hiring Chaulk to do the billing. He hope the Board would speak on behalf of that section of the Article, seconded by Selectman King and voted unanimously.

Article 7 - Sponsored by Inspector of Weights & Measures.

The Board voted unanimously to support Article 7 relative to fees.

Articles 11 & 12 - RE: Charter Commission - Sponsored by Joyce Tolman and George King:

Selectman Ernst will speak at town meeting relative to the sponsorship change.

Article 13 - This article authorizes municipal boards or offices to establish reasonable fees for any permits.
The Board voted unanimously to suport the article.

ALL ALCOHOLIC BEVERAGE LICENSES - RESTRICTION:

Upon the motion of Selectman King, it was voted unanimously that on all licenses issued in the coming year for All Alcoholic Beverage Restaurants, that they carry a restion that no cover charge will be allowed except for special events.

STREET OPENING PERMITS - RESTRICTIONS:

Selectman King suggested that the Rules and Regulations that were drawn up by Mr. Skinner of the Department of Public Works be place don the agenda for the next meeting to allow the Board to accept them or reject them.

LATE ARRIVAL:

Correspondence from the Retirement Board requesting that they be included in the Section 125 Plan.

The Board voted unanimously to approve the request.

UNFINISHED BUSINESS:

Bose Corporation - Purchase of land:

Upon the motion of Selectman Stefanini, the Board voted unanimously to set up a hearing on the property so the process can begin formally of either approving or disapproving the sale of the land to the highest bidder.

TRANSFER OF LICENSE - FROM CUGINO'S, 732 WAVERLY STREET TO VARIETY STORES OF AMERICA, INC., 269 HOLLIS STREET:
WINES & MALT BEVERAGES PACKAGE GOODS STORE:

The Board voted unanimously to approve the transfer of a Malt Beverages and Wine Package Goods Store license from Cucino's, Inc., 732 Waverly Street to Variety Stores of America, Inc., 269 Hollis Street.

WINES & MALT PACKAGE GOODS STORE LICENSE - MICHAEL MURPHY - 1640 WORCESTER ROAD:

The Board voted unanimously to deny the request of Michael Murphy for a Wines & Malt Beverages Package Goods Store license at 1640 Worcester Road.

WINES & MALT BEVERAGE PACKAGE GOODS STORE LICENSE - METROWEST TROPICAL FOODS - RAYMOND IBARRA:

Selectman Stefanini stated that he was not prepared to support the license for Mr. Ibarra of Metrowest Tropical Foods but if Mr. Ibarra were to take steps to address parking, occupancy and clearly demonstrate a need, that he would reconsider it and he could come back before the Board after the first of the year and it could be changed.

Selectman Ernst moved that the license be approved.


Selectman King did not participate in the original hearing when Mr. Ibarra appeared before the Board.

There was no second to the motion, no action was taken.

The Board voted unanimously to enter Executive Session for the purpose of discussing collective bargaining. Selectman Stefanini further moved that a motion be made that the meeting be adjourned, postponed or continued until Wednesday evening at 7:00 P.M., seconded by Selectman King and voted unanimously.

The Board entered Executive Session at 9:30 P.M.

The meeting adjourned at 10:05 P.M. and recessed until Wednesday, December 4 at 7:00 P.M.



JOHN A. STEFANINI, CLERK