

SELECTMEN'S MEETING  
MARCH 20, 1997

A moment of silence was observed for Ward Granton, an active community member who recently passed away.

PROCLAMATION:

Three visitors from our sister city, Santa Luzia, Brazil, came before the Board to explain that they were constructing a monument in Santa Luzia and invited local and state leaders to attend the opening ceremony. Mr. Stefanini noted that books would be donated to the Framingham Public Schools for the Portuguese-speaking children. Senator Magnani also congratulated the delegates and hoped to help all parties involved.

ATTENDANCE:

John A. Stefanini, Kathleen M. Pendergast, Valerie W. Mulvey, Christopher J. Petrini and Joyce A. Tolman.

Mr. Stefanini called the meeting to order at 7:45. Mr. Marcoux reviewed the agenda.

WARRANTS:

#133	Accounts Payable	\$683,073.29
#134	Miscellaneous	\$2,146,441.53
#135	Payroll	

PUBLIC PARTICIPATION:

There was no public participation this evening.

HEARING – WASABI, INC. – 1060 WORCESTER ROAD – REQUEST FOR BEER & WINE LICENSE, FRANK HO, MANAGER:

Paul Galvani and his clients, Wallace Chung and Frank Ho, came before the Board to request a beer and wine license for their establishment. Mr. Galvani pointed out that he and his clients had come before the Board previously and were told that they could go forward to the public hearing stage. Mr. Ho and Mr. Chung have been in the restaurant business for thirty years. A liquor license appears to be a necessity for a restaurant to succeed. Variety and uniqueness is brought to Framingham by this restaurant. There will be no separate bar. Mr. Stefanini asked who would be the manager of record as there was a concern relative to the proposed manager. Mr. Stefanini requested that the manager be changed, as there was a problem with the CORI application. Ms. Tolman asked how the parking problems might be resolved and Mr. Galvani pointed out that there were only ten tables, which would not generate much more traffic. Ms. Mulvey asked if parking was on site. Peter Levine, of Framingham, hoped that the Board would be favorably inclined to granting a license. Mr. Stefanini suggested that the matter be tabled pending results of a new CORI. Ms. Mulvey moved and Ms. Tolman seconded the motion to table the hearing pending the amendment of the application.

HEARING – TRANSFER OF LIQUOR LICENSE – BANGKOK CUISINE TO ANJALI INDIAN CUISINE:

Mr. Leone came before the Board to introduce the new manager who was to be Singh Bajwa who was CORI certified. Mr. Petrini moved and Ms. Mulvey seconded the request of the petitioner. It was so voted unanimously.

HEARING – NYNEX – MAINTAIN & ERECT POLES – EATON ROAD:

Kathryn Craig of New England Telephone came before the Board to request relocation of a telephone pole on Eaton Road. Mr. Kahn spoke about the location of the telephone poles, particularly, one located on Gordon Street which is a concern. Mr. Kahn was asked if Edison could move the pole in order to clean up the driveway. Mr. Marcoux was asked to follow up on pole #2 on Gordon Street. Pat Osmond of Eaton Road asked about the nature of her obligations since the pole will be moved to her property. The location was explained and was within the public way. John DeMarinas came before the Board to note that the pole was in the way of the development and would like the pole moved so he could move into his home. Ms. Mulvey moved and Ms. Tolman seconded the request of the petitioner.

CONFERENCE – JOHN GARRAHN, GENERAL CINEMA – REQUEST FOR LIQUOR LICENSE:

Mr. Garrahan, attorney for General Cinema Corp., and William Doherty, President of General Cinema, came before the Board to request a liquor license for two new theaters proposed to be built. Mr. Garrahan explained the proposal before the Board. Two screens would be set aside and a restaurant facility would be created for adults only. A beer and wine license would be requested, provided that the Zoning Board approved the proposal. Mr. Stefanini asked for a

report from the Safety Officer on the parking situation before the Board could move forward. Mr. Garrahan explained that the Chief had requested an extra sidewalk. Mr. Petrini thanked General Cinema for addressing the parking situation. Ms. Pendergast had questions about how the facility would operate. Mr. Doherty explained that there would be a separate bar area and table service. Much concern revolved around safety issues. Ms. Mulvey asked about the parking situation and the nature of the entrance. Mr. Garrahan hoped that some land could be purchased from Boston Edison to create 109 more parking spaces. Mr. O'Neil, Town Meeting Member, noted that there were several items which had not been resolved. The responsibility issue was questioned by Mr. O'Neil as well as the nature of the project itself. Mr. Garrahan stated that many of the problems will be resolved with the installation of the proposed facility. John Brown, Precinct 12, asked about the entrance requirements of the new theater. Mr. Petrini moved that this case be advanced to a hearing provided that the parking issues and other questions of the Board were addressed. Ms. Mulvey seconded the motion which carried.

#### CONFERENCE – JACK O'NEIL, STAPLES INC. – REPORT ON TIF – 9/90:

Mr. Garrahan, attorney for Staples, Jack O'Neil, President of Staples, John Kahn, Evan Lebson and Mark Rees of the TIF committee, came before the Board to explain their proposal and request tax increment financing for the project. Joe Vasolucio, President of Staples Realty introduced himself to the Board and explained that Staples has been a resident of Framingham for seven years. Staples has approximately 600 stores. Mr. Stefanini asked about the types of jobs to be filled and the status of the FTC hearings in Washington. Mr. Vasolucio stated that an agreement had been reached for the purchase of 60 Staples stores. Regardless of the outcome, Staples plans to proceed with the 9/90 site. Site plan approval is planned for April 7<sup>th</sup> and, with the approval of Town Meeting, the project should be begun in 1998. Approximately 2000 associates are being planned for the new site. The TIF Committee's function was explained and the report given. Mr. Marcoux stated that the TIF Committee had been quite aggressive with members of Staples and it was noted that many requirements had been met. Mr. Rees explained how the TIF Committee reviewed the proposal and the removal of the landfill which was a unique liability. Some advantages to the Town would be increased revenues, capping of the landfill, building permit fees and many more tax dollars. Mr. Kahn mentioned that much of Staples' business revolved around servicing small businesses. This may lead to increased benefits to the Town. The TIF Committee unanimously supported the project as well as the EDIC. Ms. Mulvey pointed out that a great benefit to the Town was the capping of the landfill. Mr. Petrini would like a TIF policy developed so as not to adversely affect the tax base. Mr. Stefanini maintained that requirements for a TIF were very stringent. Ms. Tolman commended the Town Manager and the TIF Committee. Ms. Pendergast noted that the amortization schedule was only ten years, which was good for the Town. She also felt that the jobs created for the Town were at the upper end of the salary scale. Ms. Mulvey was pleased with the package. Ms. Tolman moved and Ms. Mulvey seconded the approval of the TIF Agreement for the Town.

#### TOWN MANAGER EVALUATION:

The Town Manager's evaluation was tabled until March 27, 1997.

#### REPORT ON BUDGET – RUSSELL R. MARCOUX & MARK REES:

Mr. Rees and Mr. Marcoux, as well as Mr. Sisitsky and members of the Finance Committee came before the Board to explain the changes in the budget. Mr. Marcoux listed the combined budget items which would have created a \$1.8 million deficit. The use of free cash was discussed with the policy approval of using 66% of this figure. Also outlined were policy decisions previously made by the Board. The School Budget was approved with a sizeable reduction which indicated cooperation between the school and the town. The Park and Recreation fields will be funded as agreed and there would be \$114,000 for maintenance. There was a \$350,000 deficit, but \$100,000 will be received under payment in lieu of taxes. Further cuts were placed before the Board for approval. The Finance Committee unanimously approved the budget as presented by Mr. Marcoux. The Selectmen requested endorsement. Mr. Marcoux and Mr. Rees were congratulated for their supreme efforts. Mr. Stefanini requested that the smaller departments be considered for increases should more funding be available in the fall. Mr. Petrini moved and Ms. Mulvey seconded the motion to move the request of the Town Manager.

Ms. Tolman asked Mr. Rees about money contained for the articles on the warrant. There is no recommendation of funding for projects like Hollis Street or Athenaeum Hall. The Capital Budget Committee will address those. The motion carried unanimously to approve the budget and the new format proposed by the Manager.

#### TOWN MANAGER'S BI-WEEKLY REPORT – RUSSELL R. MARCOUX:

Mr. Marcoux discussed the audit for FY 96. A new Town Accountant has been chosen. His name is Richard Howarth and he will begin in April. Mr. Marcoux mentioned the public works auction and the process by which it occurred. The public advertising should have been done in

the Middlesex News and there was no evidence that any employees received preferential treatment.

The recommendation of the fire chief regarding the promotion of four firefighters was moved by Ms. Pendergast and seconded by Ms. Mulvey. It was so voted unanimously. The promotions include the following firefighters: David Lumsden to Deputy chief, Paul Barbieri to Captain, John Tremblay to Permanent Lieutenant and Dean Hillman to Temporary Lieutenant.

The approvals of the two BANs submitted to the Board by the Treasurer/Collector were explained to the Board. The sale needs a vote and pursuant to such, Ms. Tolman moved and Ms. Mulvey seconded the request of the Treasurer/Collector. The motion was approved unanimously.

VOTED:

That all action taken by the Town Treasurer in advertising for public sale of the \$2,575,000 aggregate principal amount of Bond Anticipation Notes (Municipal Purpose Loan, Act of 1948, Bonds) (the "Notes") of the Town, authorized by Chapter 44, Section 7 of the Massachusetts General Laws, as amended and supplemented, and by votes of the Town duly adopted, as more fully described herein, and, in that connection, preparing and distributing a Preliminary Official Statement and Notice of Sale and a final Official Statement, be and hereby is ratified, confirmed, approved and adopted;

That the Notes shall be dated as of March 28, 1997, shall mature on July 8, 1997, shall be numbered consecutively and subject to the provisions of this vote, shall be in such form, of such denomination and contain such other details as the Treasurer and a majority of the Board of Selectmen shall determine or approve by their execution of the Notes;

That the Notes are a consolidated issue of Notes consisting of:

- (1) **\$65,000 School Planning Bonds**, being a portion of the \$75,000 originally authorized under Section 7(22) of Chapter 44, of the Massachusetts General Laws, as amended and supplemented ("Chapter 44") and under Article 49, Motion 2 at its 1995 Annual Town Meeting.
- (2) **\$15,000 Outdoor Recreational Facilities Bonds**, being a portion of the \$150,200 bonds originally authorized under Section 7(25) of Chapter 44, and under Article 50, Motion 3 at its 1995 Annual Town Meeting.
- (3) **\$271,000 Departmental Equipment Bonds**, originally authorized under Section 7(9) of Chapter 44, and under Chapter 44, and under Article 51, Motion 4 at its 1995 Annual Town Meeting
- (4) **\$274,740 Departmental Equipment Bonds**, being a portion of the \$391,000 originally authorized under Section 7(9) of Chapter 44, under Article 51, Motion 5 at its 1995 Annual Town Meeting.
- (5) **\$1,949,260 School Roof Repair Bonds**, authorized under Section 7(3A) of Chapter 44, and under Article 3 at its Special Town Meeting held on April 16, 1996.

That the Notes shall originally be issued by means of a book-entry system evidencing ownership and transfer of the Notes: and in the event of failure or termination of the book-entry system, Fleet National Bank, in Boston, Massachusetts, shall issue replacement Notes in the form of fully registered certificates:

That said Fleet National Bank shall certify the Notes as to their genuineness and shall act as Note Registrar, Transfer Agent and Paying Agent:

That the notes shall bear interest and are hereby sold and awarded as follows:

<u>Purchasers</u>	<u>Interest Rate</u>	<u>Premium</u>	<u>Net Interest Cost</u>
BayBank	3.75%	\$787.52	3.6399%

Additionally it was VOTED:

That all action taken by the Town Treasurer in advertising for public sale of the \$2,815,322 aggregate principal amount of the State Aid Anticipation Note (the "Note") of the Town, authorized by Chapter 44, Section 6A of the Massachusetts General Laws, as amended and supplemented, in anticipation of State Aid to be received by the Town pursuant to Agreement

Nos. MA-35519 & MA-35874 entered into by the Town with the Department of Highways of the Commonwealth of Massachusetts (Massachusetts Highway Department) for various roadway improvements, and in that connection, preparing and distributing a Preliminary Official Statement and Notice of Sale and a final Official Statement, be and hereby is ratified, confirmed, approved and adopted;

That the Note shall be dated as of March 28, 1997, shall mature on September 24, 1997, shall be numbered consecutively and subject to the provisions of this vote, shall be in such form, of such denomination and contain such other details as the Treasurer and a majority of the Board of Selectmen shall determine or approve by their execution of the Note;

That the Note shall originally be issued by means of a book-entry system evidencing ownership and transfer of the Note; and in the event of failure or termination of the book-entry system, Fleet National Bank, in Boston, Massachusetts, shall issue a replacement note in the form of a fully registered certificate;

That said Fleet National Bank, shall certify the Note as to its genuineness and shall act a Note Registrar, Transfer Agent and Paying Agent;

That the Note shall bear interest and is hereby sold and awarded as follows:

<u>Purchasers</u>	<u>Interest Rate</u>	<u>Premium</u>	<u>Net Interest Cost</u>
BayBank	3.90%	\$2,393.02	3.73%

CORRESPONDENCE:

Boston Edison has agreed to provide to the Town of Framingham a \$5,000 one time energy credit due to the sever power outages caused by the storm December 7, 1996. Mr. Petrini proposed a motion that the Town Manager work with Mary Parcher to see if low-income residents could receive assistance. Criteria should be developed to see who might receive the credit. Ms. Mulvey seconded the motion which passed unanimously.

Dennis Polselli wrote to the Board stating that he would be reading the charter to the visually impaired.

Ms. Pendergast mentioned that there were tow properties to be put on the fast track for sale or lease. Ms. Pendergast moved that the incinerator site and the former DPW site on Henry Street be investigated and an RFP be prepared to lease or otherwise utilize the sites. After clarification about environmental problems, the Board unanimously voted to approve the motion.

Ms. Mulvey mentioned the upcoming celebrations for Framingham which included an Italian Night on March 22, 1997 and "Salute to Framingham" on March 26, 1997.

Mr. Edwards will be sending a letter about speeding on Warren Road.

An event at the Danforth for the Tercentennial Committee was a success as noted by Mr. Petrini.

A motion was made by Ms. Mulvey and seconded by Ms. Tolman to adjourn for Executive Session for the purpose of discussing litigation. A roll call vote was taken with all Selectmen voting in the affirmative. The Board will only return to public session for the purpose of adjourning.