

SELECTMEN'S MEETING

JULY 7, 1997

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

The meeting was called to order at 7:40 P.M. by Ms. Pendergast.

WARRANTS:

#188	Accounts Payable	\$582,888.19
#189	Miscellaneous	\$99,547.17
#70597	Payroll	\$597,216.75
#1	Miscellaneous	\$3,870,598.89

PUBLIC PARTICIPATION:

Mr. Bloise came before the Board to request a formal motion to remove Mr. McMahon from the MWRA Advisory Board. Mr. Marcoux was asked to look at the working group and discuss Mr. McMahon's position on the Board. The possibility of allowing the group to elect its own members is being reviewed. Mr. Kahn asked when the list of names would be complete. Mr. Kahn felt that Mr. Bloise was making accurate statements and would like the working group to be formulated in short order. Mrs. Cleveland was quite concerned about the turn of events and was also waiting for a meeting to be called. In addition, the neighbors would like to have been informed about the settlement of litigation in their area. A commitment for a meeting was requested as soon as possible. Mr. Marcoux was instructed to convene the Working Group within the next week. A report was also requested from Town Counsel regarding pending litigation. Mr. Franchi rose to complain about rubbish and trash on the sidewalk of 936, 938 and 940 Waverly Street. He also spoke about the Methadone Clinic and supported the Selectmen in their attempt to keep the clinic out of Framingham.

CONFERENCE - TRADER JOE'S REQUEST FOR BEER & WINE LICENSE:

Paul Galvani, representing Trader Joe's, came before the Board to petition for a beer and wine license for his client. With him was Brandt Sharrock local manager and others from the company. Mr. Galvani submitted that the location met the convenience criteria. Mr. Galvani submitted that the concept of Trader Joe's was unique. Approximately 10-15% of retail space would be devoted to beer and wine. Alcohol enforcement policies are strict and written policies are well developed. The hours of the store would remain 9:00 A.M.-9:00 P.M. Ms. Tolman was impressed with Trader Joe's and received many letters advocating granting the license and moved the petitioners request. Mr. Kahn then asked the petitioners if they would be willing to accept the caveat that 15% of retail space be used for display of alcohol. Mr. Petrini seconded the motion with Mr. Kahn's added proviso regarding the use of retail space. It was also pointed out that tonight was still a continuation of a conference. Many constituents rose in favor of the license. Ms. Mulvey stated that she was looking forward to hearing the arguments regarding public convenience. The motion carried unanimously.

CONTINUED HEARING - WATER & SEWER RATE SETTING:

John McMahon, Bill Skinner, Mark Rees, Tom Mahoney and Bill Dickson of the DPW Advisory Board came before the Board to continue the hearing on the water and sewer rate setting. Mr. Rees reviewed the concepts used for rate setting noting that, a base charge component was part of the rate structure because this allowed for the setting up of the capabilities. Three major components comprise the water rates: the base charge, the size of the meter (which equals 18%) and the commodity cost which is set up in two elements and includes MWRA charges and a ratio used to formulate average daily usage and maximum daily usage. The anticipated tier one rate charge is \$1.17, tier two is \$1.38 and tier 3 is \$1.70. Ms. Tolman questioned why tier one rates were being raised. Ms. Pendergast asked that the panel focus on the issue of keeping tier one rates stable. Mr. Kahn asked why there was not a tier for average use and one for high end use rather than three rates.

Mr. Petrini questioned the possibility of keeping the rates the same for tier one and asked if estimates could be increased slightly without raising the rates. Ms. Tolman raised the question of irrigation meters and the possibility of eliminating them. Mr. Reilly rose to explain how policy rates were being set. Five recommendations were made by Mr. Reilly. Some changes would be to implement a two tier system and a change of billing units. A lower percentage would be given to tier one users. Mr. Kahn asked what the proposal was to split the rate and also questioned the billing policy with regard to not recovering the enterprise funds. Depreciation has not been included in the rate setting. Mr. Petrini moved that the tier one rates be retained at \$1.15 and additional funding be obtained from retained earnings. Mr. Kahn asked if Mr. Petrini would add to the motion making the rate only two tiers. The motion was seconded. The motion was amended to read that tier one be held at \$1.15, tiers two and three be consolidated and funds be taken out of retained earnings. The DPW will make a final presentation on July 21st. Mr. McMahon suggested that the residential rates be kept the same and all other rates be adopted as proposed. Reviews could be taken throughout the year and examined. Mr. Kahn would like to see a proposal with a two tier rate. Ms. Tolman supported Mr. Kahn's amendment. The break point suggested by Mr. Reilly of a one-fifty per billing period was recommended. The motion carried.

REPORT - CABLE ADVISORY BOARD REPORT - JIM DIVVER, ROZ NILES

Jim Divver, Tim Magner, Director of Educational Studies for the Framingham Schools, Advisory Board and Attorney Roz Niles, representing the Town of Framingham came before the Board to explain the situation with the cable contract currently under negotiation. Mr. Divver explained that the Framingham Cable Company has been the service provider for twenty years. Open video systems are now available to many towns. RCN - Residential Communications Networks, has teamed up with Boston Edison to provide cable to the Town of Framingham. The committee voted on May 28th to open the bidding process to provide competitive cable services. The committee believes that a contract should be awarded rather than allowing an open video commission. The Cable Advisory Committee is requesting that the Selectmen open the process for bidding and enter into an ascertainment process with the current cable provider. Mr. Kahn asked if the current utilities had an obligation to make space for the new provider. Tom Steele of RCN and Boston Edison spoke to the Board. RCN would be charged the same cable rate as the current provider. The committee is before the Board to open up the approval process. Ms. Pendergast enumerated some of the complaints received by constituents. Ms. Pendergast would like a help line available to the public in order to provide proper services. Mr. Divver explained that one of the reasons the committee urged the Selectmen to pursue a second license was to promote accountability. Problem issues would be addressed in license renewal. The current cable provider would have to be notified of the possibility of another vendor in town. Mr. Petrini mentioned concerns with service provided by Cable. Mr. Petrini also questioned what benefits would accrue to the school system with a new cable provider. Ms. Mulvey moved the recommendation of the Cable Advisory Committee that "the Town of Framingham initiate a cable licensing process whereby applications would be received from providers of video programming (cable operators). This process may result in the Town being served by two (2) cable operators, the incumbent and a new operator." Mr. Petrini seconded the motion. The Board of Selectmen will permit the committee to open the process for bidding and enter into an ascertainment process with the current provider. The motion carried. Mr. Petrini moved that Mrs. Shulman be nominated to serve on the committee. It was so voted.

REPORT - CLASS II MOTOR VEHICLE REPORT

Irving Kardon, Chair of the Class II Motor Vehicle Committee, came before the Board to present an overview of the Class II Motor Vehicle License situation in Framingham. Other members of his committee present were Phil Ernst, Loretta West, Bob Goodman, and Susan Bernstein. The committee was convened on May 13th. Mr. Kardon pointed out to the Board that most of the licenses were South of Route 9. The committee would recommend that the Zoning Board be approached first, then the Selectmen and finally the Registry of Motor Vehicles.

Conformity to town by-laws would be a pre-requisite for application. Stronger methods for enforcement need to be implemented. Ms. Mulvey would like to know how long the study would take. It was recommended to continue the moratorium on new licenses. Renewals must have a copy of the ZBA permit on the premises in order to be in compliance. The Building Commissioner could interpret the by-laws and inspect the lot for compliance. Mr. Kahn asked what the nature of the enforcement problems might be. It was explained that the Building Commissioner could issue a cease and desist letter and the Board of Selectmen be notified and public hearings be scheduled, much like a liquor license. Mr. Kahn would like the enforcement responsibility to be placed in the hands of the Selectmen or the Police. The committee would like more time to investigate the process. Mr. Petrini moved that the report of the Class II committee be accepted and that the committee be encouraged to meet and continue the research. Ms. Pendergast imposed a friendly amendment that a report be made to the Board within 60-90 days. Ms. Mulvey seconded the motion which carried.

TOWN MANAGER'S REPORT

Mr. Kahn asked the manager to include special items in his next report. The permitting process should be addressed with the Planning Board, a memo dated June 5 re: Bugaboo Creek Steak House, should be finalized, an issue on Leland Street should be reviewed and the status of Timmy's Diner on Route 9 should be investigated. Ms. Mulvey then announced that Mr. Petrini was appointed to the Mass Turnpike Advisory Board. He was congratulated on his achievement. Mr. Marcoux then announced that the Division Heads would be reporting to the Board as requested. The new Human Resources Director will be appearing on September 8th. Ms. Pendergast asked if the Board was agreeable to the time table put before them for presentations. The Selectmen concurred with the schedule. Mr. Kahn questioned a letter from Chief Larrabee regarding Mugs Away. He would like to have Chief Larrabee and Mr. Noe come before the Board for a hearing. Mr. Petrini felt that the Chief did have some authorization with regard to implementing penalties. The minutes of June 9th were discussed. Ms. Pendergast felt that it was appropriate to negotiate. Mr. Petrini hoped that the Board was not bound by the recommendations of the Chief. Mr. Tolman asked that the interested parties be invited to the meeting of August 4th. Ms. Tolman moved to move the letter up. Mr. Kahn seconded the motion which carried. It was then moved that the Town Manager and the Chief meet and the hearings be held on Yen's Wok, Milk and More and Mugs Away. Mr. Petrini moved that Mugs Away be notified that he complies with the Chief's recommendation on his peril and should come before the Board.

ACTION ITEMS:

Mr. Petrini requested that the Selectmen's Meeting minutes of June 2, 1997 be amended as follows. On page 4, in the section referring to Shopper's World, a sentence should be inserted after the word occupancy. The minutes should state that "Mr. Petrini noted that he would be in favor of extending the temporary occupancy permits to protect the Town's rights while negotiations continued." Ms. Tolman moved and Ms. Mulvey seconded the motion to amend the minutes. The minutes of the Selectmen's Meeting of June 9, 1997 were approved as read.

The request of CFO Mark Rees, to appoint Michael Flynn to the Board of Assessors was approved by the Board. Mr. Kahn moved that a letter of appreciation be sent to Michael Flynn commending him for his work. Ms. Mulvey seconded the motion which carried.

The request for a Brazilian Expo Festival was approved by the Board. The fees were waived by the Board with the stipulation that no alcohol be served until noon. It was so moved and voted.

REVIEW OF CORRESPONDENCE

Mr. Marcoux read a letter to the Board in which he announced the re-appointment of James W. Egan as Director of Town Owned Buildings for a three year term to expire on June 30, 2000. The Selectmen were greatly appreciative of all Mr. Egan's efforts on behalf of the Town. A letter of commendation should be sent to him. It was so voted.

The Board noted receipt of a letter from Bill Haberman referring to the current water and sewer rate structure.

NEW BUSINESS

Ms. Pendergast mentioned that she would like a process implemented to have the benefit of Town Counsel's input on the many cases which need the Selectmen's decision. Mr. Bikofsky was invited to attend the meeting of the 28th to discuss litigation and collective bargaining.

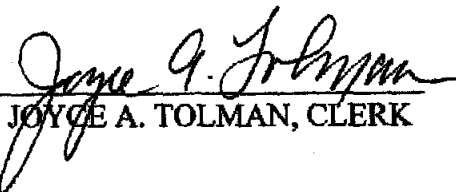
UNFINISHED BUSINESS

Appointment procedures were discussed by Mr. Marcoux. The appointments made by the Board and the Town Manager were outlined. A letter had been sent to committees and commissions and an advertisement will be sent to various papers in the interim. Appointments to various committees will be made at the meeting of August 4th. Mr. Kahn explained his idea for soliciting volunteers. A volunteer coordinator would be recommended and interested citizens should be recruited. Mr. Petrini felt that the idea was sound. Mr. Marcoux explained that there was a process underway but recommended the process. Mr. Petrini submitted letters to minority communities to solicit interest. Mr. Kahn moved that the recommendation of Mr. Marcoux's June 11th memo be adopted and the Board proceed. The motion was seconded and passed. Mr. Petrini ask that the appointments be taken up on the 18th of August. It was so moved by Mr. Kahn, seconded and so voted. Mr. Marcoux would like to re-advertise if the response is not great. Ms. Mulvey moved and Ms. Tolman seconded the motion to re-advertise. It was so voted.

Mr. Marcoux announced the settlement of the Marriott Case. The land court voted to uphold the position of the ZBA.

Mr. Kahn asked if the Board received correspondence from Town Counsel. It was decided to put the letter on as correspondence at the Selectmen's meeting of July 21st.

A motion to adjourn was entertained at 11:00 P.M. It was so voted.


JOYCE A. TOLMAN, CLERK