

SELECTMEN'S MEETING

OCTOBER 14, 1997

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

Ms. Pendergast called the meeting to order at 7:45 P.M.

WARRANTS:

#980415	Capital Projects	\$182,785.98
#980115	Accounts Payable	\$380,830.44
#980215	Miscellaneous	\$16,599.88
#101197	Payroll	\$667,505.78

PUBLIC PARTICIPATION:

Tom O'Neil, Precinct 8, raised the issue of access to commercial property through residential property. Mr. O'Neil would like resolution to this particular problem. The areas in question are on Worcester Road and Cochituate Road. Mr. Marcoux responded to Mr. O'Neil and noted that the solution did not involve one company, but many along Worcester Road. Both areas in question have the same owner. Mr. Marcoux The response is not dealing with one particular business but with all the businesses on Route 9. Mr. O'Neil felt that this problem did not go back to 1969 and was more major as it was zoned for residential occupancy. Mr. Marcoux reported that the crossing on Route 30 and Route 9 has been longing and all business would need to be addressed if one were to be singled out. Mr. O'Neil stated that he had been trying to resolve this issue for one and one half years and that he had received no satisfaction.

HEARING - DISCONTINUANCE OF USE OF LAND ON MAYNARD ROAD:

Stephen Dawley representing Howard Apartments requested the use of this parcel on Maynard Road, to take the strip of land which is technically a part of Maynard Road. Mr. Dawley's client would use the parcel for parking, would beautify it, pave it and use it for public parking. Mr. Dawley claimed this would become an asset for the Town. Conrail, which is an abutter was favorably inclined to approve the suggested usage. The Planning Board and the Committee on Planning and Zoning were favorably inclined to approve the articles. The Selectmen were asked for a motion to approve the discontinuance of this portion of Maynard Road as a public way as shown on the Town Engineer's map. Ms. Tolman asked for clarification as to the voting process with regard to the articles. Mr. Marcoux stated that the article was withdrawn last year and the Board could make a decision at a later date but it would be appropriate to vote approval at this time. Mr. Taylor pointed out that the Real Property Committee should make a recommendation on the disposal of Town property. Mr. Price, Chairman of the Real Property Committee rose to speak about the discontinuance of the land as a public way. He stated that the land was not used by the college and ramifications existed. Mr. Grew, an abutter of this land, noted that there were usually 50 cars parked in this area during the school year and only about a dozen during the summer. The Howard Apartment proposed to pave, line and maintain the area. A representative from Conrail spoke and indicated that, given the current property lines, the railroad would support the request. Mr. Petrini moved, for purposes of discussion, the request be referred to the Real Property Committee. The Committee on Planning and Zoning has reported, but the Real Property Committee has not. Ms. Tolman seconded the motion. Mr. Kahn suggested that a response be obtained from Framingham State College. Mr. Petrini accepted the amendment to the motion, which was then approved.

HEARING - DISCOUNT AUTO- 174 UNION AVENUE:

John Powers, representing Discount Auto, came before the Board to request an amendment to the current storage license. Mr. Kahn had requested that the petitioner come before the Board and explain the specific plans and safety aspects of the plan. Mr. Parmenter, representing Mutual Oil, who addressed the questions posed by the Board at a previous meeting. Ms. Pendergast explained that there was an abutter who was quite concerned with the location of the existing tanks and the distance of the tanks from current property lines. The new tanks would be in the approximate same location. The minimum distance would be ten feet and Federal regulations dictated where the tanks could be placed with regard to the property lines. The minimum distance would be 10' from the property lines and a minimum of 5' would be maintained. Existing survey plans were submitted. The existing tanks would be located on the Henry Street side of the property and would meet the complete requirements of the state and the town. The total capacity would be 24,000 gallons. The Fire Department would have to approve the permit to remove the old tanks and dispose of them.

Mr. Kahn noted that the question raised at a previous meeting of the Board as to what devices would be installed to detect leaks or failure of the tanks. Mr. Parmenter explained that Mr. Tanian intended to comply with the most stringent regulations of the Commonwealth and would install double wall tanks with steel coating and the tank system would be continuously monitored with the system currently used in Massachusetts. Alarms would sound off if there was product leaving the system. Mr. Kahn asked who would be responsible for reviewing the data and making certain that, if remedial action was needed, it would be taken. The data would be kept in memory in the machinery and the owner would be obligated to keep the information. Mr. Kahn asked that Mr. Marcoux make certain that the Fire Department monitor the data. Ms. West, of Precinct 12, rose to speak about the operation of this business and stated that there were several issues on this lot which were not in order. Ms. Mulvey noted that the Fire Department had given its approval of the application as presented. Ms. Pendergast questioned the sale of used cars when a moratorium existed. Mr. Tanian explained that the sale of rental cars did not violate the moratorium. Mr. Kahn stated that the approval should not be conditional upon tonight's presentation but that building officials should investigate the matter and ask what cars had been sold and if there was a violation of compliance issues. Mr. Kahn then moved approval of the application with the additional provision that Mr. Marcoux ask the building official to look into the matter and have the station owner provide records as to what cars had been sold and with what frequency. If there is a violation of zoning then this was a serious matter. Mr. Kahn moved approval of the application with the additional provision that Mr. Marcoux will undertake to have the building official look into the assertion that there has been an illegal sale of used vehicles and report back to the Board. The approval was not conditional. Mr. Kahn moved the approval of the application and requested a report from Mr. Marcoux. Mr. Petrini seconded the motion which carried. Ms. Mulvey asked that Mr. Marcoux also request an investigation into violations of the sign by-law. The motion carried.-3-

REPORTS -CHIEF LARRABEE AND LT. MCCARTHY - SEX OFFENDER REGISTRY:

Chief Larrabee noted that sex offenders have been tracked in the community for the past twenty years. Some of the persons identified have been registered since 1981, but have been productive citizens. Since Framingham has a pre-release center there might be citizens who have served their sentence. Lt. McCarthy stated that recent occurrences have caused a high level of fear in the community. All sex offenders are registered in Boston and there are eleven specific offenses which require registration within the community. There are three levels of sex offense with various requirements enforced by the Police Department. Framingham has only two sex offenders classified as level two or three. This level which requires registration, however the list changes weekly. Many offenses are committed by family or close family friends and the recent law requires that offenders who live or work within a one mile radius and should come into the station to register. Information will be available to the public three business days after registration. Mr. Kahn commented that it was important for parents to use common sense and noted that the risk is greater today than in the past. It was also requested by Mr. Kahn that the town might encourage the classification board to "get with it" in terms of classification and that local legislators be encouraged to update the classifications. In addition, those who make the request regarding the sex offender registry should use the information but not abuse it. Mr. Petrini asked what role the media had in promulgating the information. The Middlesex News does not publish the information nor does the globe. Chief Larrabee felt the issue could be constitutional and the news has been reluctant to jump into publishing the names. There is however, a comprehensive program taught in the schools which is cautious but not entirely stranger resistant. Question arose about the radius and the crime committed by the sex offender. Lt. McCarthy explained that the radius limits were decided by the legislature. Lt. McCarthy reported that all sex offender information is maintained in Boston and the law defines eleven specific sex offenses which require offender's registration. There are three levels of offenders. Framingham has 91 offenders registered in the community, 34 of whom have been convicted of offenses. Lt. McCarthy announced that any citizen over the age of 18 could obtain the list of sex offenders, but there were criminal penalties involved with the use of this information. Framingham has kept records of criminal offenders and is fortunate to have data base being formulated for use within the next two weeks. Mr. Kahn recommended that parents use caution when sending children door to door and he would also hope that legislators would support funding for classification.

SAFETY COMMITTEE REPORT:

Mr. DeAngelis, representative came before the Board to speak for his client, Dunkin Donuts. Mr. Petrini requested that the backup material be provided by the Building Commissioner providing information about the problems at Dunkin Donuts. Dunkin Donuts of Rt. 9 problems arose with the traffic pattern for the drive up window. Conversation ensued about the zoning issue. Mr. Kahn would like the issue tabled for one week and raised again at the next meeting of the Board. Copies of the ZBA procedures should be reviewed with the possibility of revoking the common victualer's license if necessary. Mr. Petrini seconded the motion. Attorney Faiman, representing, Dunkin Donuts, came before the Board to express his concern about his client who has, according to him, cooperated with the Town. Mr. Fernandes, owner of the area, has obtained a lease to the property behind the shop, has obtained a kiosk to the rear of the shop which would alleviate the traffic situation on Rt. 9. The ZBA will hear this appeal on November 18th. Mr. Faiman requested that the Board would table the matter until the ZBA heard the case. Mr. Petrini questioned Officer Donnelley if an order to close the drive in window was ignored by the client as early as May 18. Mr. Faiman stated that this order was not ignored. Neighbors testified that the problem was ongoing and would like to support Mr. Kahn's motion and get input from the ZBA hearing which is to occur next week. Ms. Pendergast noted that if the Selectmen acted to table, they were acting as the ZBA and should allow the ZBA to determine the outcome. Ms. Mulvey felt that no motion was needed as tonight was just a report. Mr. Kahn felt that the Board should entertain a review of the common victualer's license. Mr. Kahn wished to press his motion, obtain the file and review it. Ms. Pendergast did not feel that a review of the ZBA decision was necessary. Mr. Kahn felt that the issue was one of public safety and requested a week to review the common victualer's license. Ms. Pendergast took exception to Mr. Kahn's statement that the Board could make a decision for the Planning Board. Ms. Mulvey suggested that the Board receive the data and review it and make a decision at that time. Mr. Petrini moved the question. All were in favor. The question arose as to when the hearing would take place. Mr. Petrini noted that the issue should be raise on the 20th of October. Attorney Faiman questioned the authority of the Zoning Board. Mr. Kahn noted that it was not a hearing and there was no defense necessary by Atty. Faiman at this time. Statutory authority was still in the hands of the ZBA.

RIDGEFIELD ROAD:

Mr. Bertorelli explained that Mr. Meltzer of Ridgefield Drive requested the hearing for a four way stop sign. Background information was given which explained that Town Counsel reviewed the situation. In addition, the Town Engineer had the intersection radar controlled and determined that a four way stop sign was not in order. The recommendation of the Safety Committee was that a two way stop sign be used as opposed to a four way stop sign.. Mr. Meltzer, an attorney for the neighbors, noted that the issue was for the children and that the neighborhood was located near Juniper Hill School. Mr. Meltzer explained the situation, discussed his case and requested the stop signs. Mr. Bertorelli felt that more crossing guards would be helpful, but the signs were not necessary. Ms. Mulvey questioned the times of the traffic studies and it was noted that there were three studies held, with the third being in August. Mr. Kahn stated that more than the volume of traffic should be examined and that there were young drivers in the area in addition to young children. Traffic counts are not the only consideration. Mr. Kahn felt that the four way stop sign should be put in place to forestall any future problems. He moved that the neighbors request be acceded to. Mr. Petrini seconded the motion for purposes of discussion and asked if there were any risks associated with the implementation of stop signs. Officer Donnelley noted that if stop signs were erected there were always investigations which ensued. The Public Works director will be investigating traffic calming devices and they might be in order for Ridgefield Road in the future. Ms. Mulvey asked about the placement of crosswalks with out sidewalks and Officer Donnelly explained. Mr. Meltzer contested the accident record for the neighborhood and disagreed with Officer Donnelly. Mr. Levay of the area, agreed with the petitioner. Mr. Franchi requested stop signs on the south side of Town, specifically at Winthrop Street and Bethany Road. Mr. O'Neil spoke about the necessity of the stop sign in this area. A question arose as to why there was no Crossing Guard and Officer Donnelly explained.. Ms. Mulvey asked if a Crossing Guard would solve the problem and Mr. Meltzer felt that the stop signs were necessary. Mr. Petrini asked if a four way stop sign was approved that a year 's review would be in order and if not warranted, the signs could be removed. Mr. Kahn urged that the neighbors be protected and urged favorable action. Mr. Bertorelli noted that the one accident mentioned would have been prevented with stop signs.

Ms. Pendergast noted that the request of Mr. Meltzer was out of the purview of the Board and felt that two stop signs made a great deal of sense and a four way sign was not necessary, but would go along with the vote if children's lives were in jeopardy. Mr. Kahn moved the question and asked for the installation of four way stop signs be installed at the request of the neighbors. Mr. Petrini asked for a report in one year. It was so voted.

REPORT - WILLIAM J. HEIGHTS - MICHAEL GATLIN, SPECIAL COUNSEL:

Ms. Mulvey recused herself from the discussion and removed herself from the podium. Mr. Kahn did not participate in the discussion but did remain seated. Mr. Gatlin, Special Counsel, presented a MOU which would be presented to the Ashland Board of Selectmen. The MOU would recommend that the Town of Framingham maintain the emergency cut through, be responsible for indemnify the Town of Framingham for the installation and maintenance of the gate and this was an important issue for clarification by the Town of Ashland. The Fire Chief was asked if this arrangement would present a problem to emergency access by the Fire Department. If both Boards act favorably, there could be a vote by the Town of Ashland. Mr. Petrini asked Mr. Gatlin if the difference between the MOU and the final agreement was the scope of the indemnity language. Mr. Petrini questioned the language of the indemnity clause. In addition, paragraph one on page one should be removed. Mr. Gatlin explained that Ashland would like the ability to take some action with regard to the completion of the subdivision and the reason for that language being there was necessary. Mr. Petrini felt that his expertise was limited and would not be willing to make any promises. Mr. Taub, resident of the neighborhood asked that a reading of the current version of the MOU be outlined. Mr. Petrini asked for the following revisions to the MOU made. "Paragraph D1. becomes paragraph D2. Paragraph D2. becomes paragraph D1. At the beginning of the now renumbered paragraph D2., the following language shall be inserted: "In the event that the Town of Framingham shall fail to construct and/or install a gate as described in paragraph D1. above....." Paragraph 2(c) (iii) shall be amended to read "to repair, replace, and or maintain, in its reasonable discretion and at its sole cost and expense....." Paragraph 2 (c) (vi) shall be amended by inserting the word "solely" before the word "caused" appearing at the end of line 3." The language was amended for the purpose of releasing Framingham from liability. Mr. Petrini moved to authorize Town Counsel and Special Counsel to proceed forward with this Memorandum of Understanding subject to the above modifications. Ms. Tolman then seconded the motion which carried. Ms. Pendergast requested that Mr. Taub receive a copy of the final agreement.

REPORT ON COALITION:

Chief Larrabee reported that last spring, a meeting was convened by a member of the Board of Selectmen, with MetroWest Medical, Wayside Properties, schools, courts, Selectmen, police, members of the existing Framingham Coalition and members from Keefe Tech. This was attempt to enable a community approach to keeping the Coalition functioning for a period of time after its funding expired on September 1st. MetroWest Medical was a strong advocate for the Coalition as was Judge Campion and members of the School Department. The meeting produced a quasi-agreement that if there was going to be a community wide investment in a coalition, it might be properly done through the police and the schools hosting it in its funding issues. At no time was there money appropriated in anyone's budget. There was to be a dual approach between police and schools to see if funding could be found to bridge the gap between when the Coalition would end and potential moneys or funding sources could be found at the beginning of this calendar year. Dr. Smith and Chief Larrabee both determined that there was no money in either police or school budgets to fund this project. Chief Larrabee noted that he would need the Selectmen's support for a community wide project, and if given, and should the money come out of the police budget, if there was a shortfall, the Chief could get the funding to get through the fiscal year. The collective support of the Selectmen is necessary. The Chief was an advocate of the Coalition, however, money was necessary to buy new cruisers. Mr. Petrini stated that the process had not been a public one and there should have been an appropriate agenda item and public discussion to fund this agency. Mr. Petrini would be willing to support a stop-gap, limited, one time measure, that would not turn into a payroll item for the Town of Framingham, to keep this particular coalition or at least issue an RFP so that funding can be issued to an appropriate coalition that can offer these services so that the particular coalition that is likely to apply when they run out of Federal funds. Mr. Petrini stated that he did this because he heard the comment of the School Superintendent and the School Committee when they voted the \$15,000, and he felt that on balance, given the size of the budget that we have, since this is a one time measure, on balance it would be better, to the extent that there was money available somewhere in the budget, whether \$15,000 could be requested to match the appropriation of the School Committee.

He felt that this was essential and there was a public partnership involved in this. The Superintendent did make the request which would be limited to a one time appropriation. Mr. Petrini then moved "that the Board of Selectmen request the Town Manager and/or Police Chief to see if \$15,000 can be located to fund an RFP that would be issued out of the Police Department for a one time stop-gap funding to be provided to an appropriate coalition that submits an acceptable proposal under the RFP, and that no further requests be made of this Board relative to the funding of this organization in the future, because it does not belong in the Town's budget." Ms. Mulvey seconded the motion. Ms. Tolman questioned the mechanics and dollars and cents of the issue. She then noted that there was a Town Manager and a CFO and that Chief Larrabee had been an excellent manager of his budget over the years and asked what the Chief was asking of the Board. The Chief stated that if the Board thought this was a good community project and, if the Manager thought it should be funded out of the police budget, if a shortfall occurs in the police budget the Chief would ask that the Board would be supportive of his attempt to recover that shortfall. Ms. Tolman stated that the Chief could spend the \$15,000 as he wished but wanted assurance that if funding became necessary, the Board would work around the shortfall and figure out how to get \$15,000 into the police budget. Mr. Marcoux was asked by Ms. Tolman if a commitment could be made from one division head and if it was the Board's place to make such a commitment. Ms. Tolman's bottom line question was that there was no guarantee that the money would be there and she wondered how such a commitment be made. Mr. Marcoux stated that there was no money in the operating budget for such a purpose and the Police Department would be held accountable for spending money for something that was not included in the budget if year end was reached with a shortfall. Mr. Marcoux stated that another alternative existed and if the project was community wide, he would prefer to see the Board support that concept with a vote to ask the Finance Committee to release \$30,000 from the Reserve Fund for that purpose. Therefore, neither the Chief nor the School Department would then be held accountable. Ms. Tolman asked if the Finance Committee has considered the problem, and if not, could the Board wait until they could guarantee they would be willing to make such a motion. The Finance Committee has not met since the beginning of the fiscal year, but will be meeting next week and a vote of this Board asking for this transfer would carry much weight with them. Ms. Tolman asked Mr. Petrini if he would be willing to amend his motion so that it included language for the Finance Committee. Mr. Petrini stated that he would, but it was still important that there be an RFP. He then asked if the request would be \$15,000 from the reserve fund to the Police Department. Mr. Marcoux suggested that the amount was a detail which could be taken care of before the Finance Committee received it. The request should be from the town wide reserve account. Ms. Tolman asked if Mr. Marcoux was suggesting that the Chief not look for that amount in his budget and the answer was yes. An additional account mentioned by Mr. Marcoux was the unclassified account. Ms. Tolman stated that Mr. Petrini's motion was in order because it just directed the Town Manager to look for the funds. Mr. Petrini felt that one of the key pieces for his support was because it was a partnership between the schools and the police and the town and he did not feel it was fair to ask the town to pay for this. Mr. Petrini then stated that if the school's money was taken off the table, he would take his support off the table and would not support it without a partnership. Mr. Marcoux still felt the money should come from a reserve fund. Mr. Flaherty, representing the School Department, stated that the School Committee voted unanimously to support the \$15,000 in funding, provided that the Selectmen did the same. He also stated that the School Department would have to find the money within the existing accounts. Mr. Kahn supported the coalition, but the discussion tonight centered around whether the function was worthy of town support. If it is, then the RFP process must occur. He felt that it was a question of pay now or pay later and the program might forestall more aggressive police functions. Mr. Kahn was prepared to support the Chief and go to the Finance Committee should it become necessary. Ms. Mulvey asked if Mr. Petrini was amenable to an amendment to his motion guaranteeing the chief that the Board would support his request for \$15,000 if there was a shortfall at the end of the year. Mr. Petrini stated that the intent of the motion was clear, and he would be prepared to go to the Finance Committee later this year to request that, but we can not support it per se. Ms. Mulvey agreed with Mr. Petrini on the process or the lack thereof and also agreed on the necessity to fund this program as it was unique. Ms. Pendergast stated that Town Meeting has a process and it troubled her that a department could be picked and their budget used for funding. She also stated that there might be duplication and other community groups did what this group might be doing, however she would support this cause. Ms. Pendergast offered the Chief and the Police Department her support and would take responsibility for any shortfall if the Board should decide in favor of the proposal.

Ms. Tolman was dismayed that the "buck" was being passed to the Finance Committee and noted that this item was not budgeted last year. In the past the Finance Committee has argued about the use of the reserve fund. The motion was made by Mr. Petrini to support \$15,000 from the Police or other appropriate budget on the town side, provided that it is a one time request. Mr. Kahn requested that the question be moved. The motion carried unanimously.

TOWN MANAGER'S REPORT:

In light of the discussion on the Coalition, Mr. Marcoux stated that the problem could have been handled by getting the Finance Committee's recommendation, or non recommendation right away.

Mr. Marcoux stated that Cablevision has rectified the problems with the current broadcasting system and, hopefully, the programs will be audible in the future.

Mr. Marcoux then discussed the absence of Joe Bradley, Veteran's Services Administrator. He explained that Mrs. Tizzani has been helpful and an action plan will be in place in the near future. In the interim, Chief Larrabee has been appointed to oversee the Veteran's Services Department. Irene Tibbert, Southboro's Veteran's agent will be assisting as will John McGillvery, Natick's agent.

Mr. Marcoux then noted that Framingham was working very hard to revitalize the downtown area and would continue to do so. In addition, money had been received from the state to help with the project.

The year end audit was then discussed by Mr. Marcoux who stated that the CFO informed the Town Manager that the FY'97 balance sheet submitted to the Department of Revenue had been retracted for purposes of certifying free cash at the end of June 30th. Through the normal reconciliation at year end, it was discovered that there was a posting error that was made and the Department Heads involved acted very swiftly to begin an internal review to make sure that there were no further errors that had been made. The CFO has instructed the Town Accountant and the Treasurer/Collector to conduct a full and complete reconciliation as was recommended in the Annual Report of last year. This will be reviewed by the Town's outside auditor, Melanson/Heath. The auditors have begun a review of FY'97 and the CFO stated that the auditors said that they were comfortable that we were heading in the right direction in terms of this reconciliation and they would report back to us on Friday. In addition, when it is completed, a copy will be sent to the Finance Committee and Mr. Rees will brief the them on the subject as well. Mr. Marcoux stated that both he and the CFO recognized the need for timely determination of our free cash and solace may be taken in the fact that last year recommendation not to spend free cash that may occur at the end of the fiscal year until the balance is available. Everyone acted properly in that regard. The systematic review is being conducted accurately and results will be reported as soon as possible. Fortunately, there has been no commitment of that free cash made so there will be no backpedaling necessary. Mr. Marcoux was comfortable that the Town was now moving in the right direction.

Mr. Kahn then questioned Mr. Marcoux on the road construction project going on at Route 9 and Caldor and noted that the business community is extremely concerned about the length of time and the impact of that work on the merchants on Route 9. Mr. Kahn stated that this construction would have a terrible effect on the Christmas shopping season. Mr. Kahn asked Mr. Marcoux to bring this issue to the attention of the state and urge completion of that project, it would be a big help. Mr. Marcoux said that he had received assurances that this would be done in a timely fashion. Mr. Kahn also questioned when the poles would be removed from the street.

Mr. Kahn then mentioned the free cash situation and felt that referring this issue to the Finance Committee was a good idea. He would like the Town to be comfortable with the financial accounting system and he would like to see the Selectmen vote once the reconciliation has been completed, and "moved that the Finance Committee be requested to review the report of the Town Manager and the Chief Financial Officer pertaining to the reconciliation of the Town's free cash position and to make a public report and recommendations to the Town upon the free cash position of the Town, including without limitation, the circumstances giving rise to the unanticipated change in the Town's estimated free cash position, the method by and the time at which the cause of the change was disclosed, the correct amount of the Town's unappropriated free cash as of current date, the effect of such change upon the financial condition of the Town, and any improvements in the practices and systems of the Town required to avoid a recurrence of the situation." Mr. Petrini would appreciate a written report from the auditors as to why it has occurred and what has been done to prevent it, and also noted that the auditors should have caught the error as well. Mr. Kahn would be pleased to have the auditor's comments. Mr. Marcoux stated that he did not have a problem with either request, but in fairness to the auditors, they do year end reviews and what they would have caught during the course of the year is not relevant because they would not have caught it.

Ms. Tolman had a question with regard to the mechanics and asked how the Finance Committee would do this. She questioned if they would conduct their own audit. Mr. Kahn suggested that Mr. Marcoux used the term reconciliation and he adopted that term. When the reconciliation is completed, a copy of it be referred to the Finance Committee and the Selectmen request that they look into the circumstances giving rise to the problem, that they give the public a report on what those circumstances were and what the impact of this will be on our free cash and they let us know whether they believe we have in place now adequate procedures so we will not be exposed to a recurrence of this. Ms. Tolman asked if a report on each of these questions would also be submitted from Mr. Marcoux. He stated that he hoped that what is produced once we are done is the same report that the Finance Committee would produce, as well as what the auditors said. Mr. Kahn suggested that Mr. Marcoux provide the Finance Committee and the Selectmen with his considered judgment of these points and the Finance Committee then look into the matter to satisfy themselves that the report is accurate. Mr. Marcoux stated that this would be fine. Mr. Petrini questioned the dollar amount at issue. Mr. Marcoux said that there was no absolute number because there was no assurance that the number is correct. It appears to be a transposition error and does not like to throw out numbers until he knows what the exact amount is. He stated that he has been forthcoming and will continue to do so. Ms. Pendergast asked what the time frame for receiving the answers might be. Mr. Marcoux hoped the report would be completed within the next two weeks. The auditors report occurring on Friday should give a better estimate and Mr. Marcoux will report to the Board next Monday. Ms. Tolman asked Mr. Marcoux if he had met with the division heads and that they were looking at ways to possibly absorb this. Mr. Marcoux stated that this was not correct. Ms. Tolman asked if they were aware that there was a possible shortfall and Mr. Marcoux stated that this was not the case however, he was hesitant because we are now into another issue of negotiations. Mr. Marcoux also stated that there was no deficit and that was not what was being looked at. He stated that the determination would be what free cash would be available at the end of June; not that there is any shortfall, nor did he want to leave that idea hanging. Ms. Tolman then asked if the current budget was impacted. Mr. Marcoux stated that unless something surfaced otherwise, the answer was "no, we are not." Mr. Petrini asked if there was any evidence of mismanagement or embezzlement and Mr. Marcoux stated that there was not. Mr. Kahn moved the question on the motion made for the reconciliation of the Finance Committee for its review and comments, amended with Mr. Petrini's suggestions that the auditors get a response to the Selectmen. The motion carried with all Selectmen voting in the affirmative.

Ms. Mulvey reported that at a meeting of Downtown Solutions, all good things were happening to revitalize the downtown.

ACTION ITEMS:

Ms. Pendergast stated that Executive Session might be necessary for the approval of the minutes. Mr. Petrini stated that the changes had been made and Executive Session was not necessary. He then moved approval of the July 28, 1997 minutes. Ms. Muley seconded the motion which carried.

Mr. Kahn moved and Mr. Petrini seconded the motion to table the approval of the minutes of August 11, 1997. Mr. Kahn felt that there were problems with the minutes and the Board then voted to table the approval. Ms. Mulvey withdrew her motion. Mr. Kahn then moved and Mr. Petrini seconded the motion to table. It was so voted.

REVIEW OF CORRESPONDENCE:

Correspondence from Nobscot Cafe was briefly discussed.

Mr. Petrini next discussed the proposed retreat of the Board of Selectmen. Mr. Stephen Ridini will be the facilitator and Mr. Petrini requested that the Board contact Mr. Ridini should there be any changes in the agenda. Mr. Kahn complimented both Mr. Petrini and Ms. Mulvey for their hard work on the retreat.

Ms. Mulvey moved and Mr. Petrini seconded the motion to adjourn the meeting. It was so voted.


JOYCE A. TOLMAN, CLERK