

## **Board of Selectmen Meeting**

**February 4, 1999**

Those present: John Kahn, Christopher Petrini, Charlie Sisitsky, Valerie Mulvey.  
The meeting was called to order at 7:36 p.m.

**Public Participation:** Bob Edwards spoke on behalf of the bicycle helmet law and asked the Board for support to help pass the bicycle helmet law. Tom Blandford reminded everyone that this is black history month and urged those present to study about black people who have influenced history. Chuck Gerstein said he just heard that there is a new zoning book available in loose leaf format and was upset there was a price associated with it. Tony Bloise spoke on the agreement with New England Sand & Gravel. He was led to understand that New England Sand & Gravel had agreed to plans the Working Group had passed and Mr. Kahn sent him a notice that they essentially want to take all the language out of it. He stated displeasure over this process taking such a long time. Buff Frankey received phone calls from former town meeting members and others regarding Mark Rees not being considered in the semi-finalist list for Town Manager. After Mr. Frankey spoke, Mr. Kahn made the following motion.

**Motion** made by John Kahn that the Board of Selectmen reaffirm to the Acting Town Manager, to the employees of the town and to the public, our confidence in the ability of Acting Town Manager to perform the duties of that office and that we express to him and to his staff in the office of the Chief Financial Officer and the Board of Selectmen our appreciation for the willingness to assume the dual burdens of Town Manager and Chief Financial Officer. Seconded by Valerie Mulvey. Vote: unanimously carried.

The Chairman asked for a moment of silence in memory of Ashley Gomes, the Stapleton student who passed away this past week.

### **Hearing: Gynzyme, 80 New York Avenue: Request to Store Flammables and Combustibles**

Greg Freeman and Stan Racuvitz came before the Board to request license to store flammables. As Genzyme's operations have continued to grow thereby creating this need. They explained that there are two rooms in the back of the building designated for flammable liquid materials and has a capacity to store 2200 gallons. They would be stored in 55 gallon containers. There would be some waste materials generated and they would be consolidated to be shipped off, at a maximum of 550 gallons. The storage area has been designed with safety in mind and town personnel in mind that would have to respond in an emergency and in accordance with building and fire codes. Features included were 4 hour fire separation walls; automatic fire detection systems; floor of each room consists of a depressed slab with sprinkler water so if material spills it won't spread outside that area. Project has been coordinated with the Fire Department who has submitted a recommendation. Deputy Chief McGuigan stated he has spent several weeks researching and reviewing the application and is satisfied with the engineers that Genzyme has brought on. He stated that the Fire Department was ready to approve this license. The Deputy Chief stated that all future licenses will have the same requirements that have been met in this instance.

**Motion** made by Valerie Mulvey to grant the petitioners request. Seconded by John Kahn. Discussion: one. Vote: unanimously carried.

### **Conference: Michael Flynn, Chief Assessor. Quarterly Revaluation Update:**

Mr. Flynn displayed a slide with the FY2K Revaluation Timeline. He stated that the goal is to mail FY2K Tax bills on 12/31/99. Hopefully at the beginning of this month, every homeowner received an informational brochure. His Department has also mailed out "38D" Requests and it is a confidential questionnaire. It was their request to commercial and industrial buildings throughout the town to determine fair market value and what the market expense ratios are in the town. On January 18, he received Computer Assisted Mass Appraisal Update.

Mike stated that he recognized the need to inform senior citizens of clause exemptions. Through March and April his department will be reviewing the cost schedules. In June they will be looking at increment expense statements and all of the residential sales that occurred in 1998. Those sales will be used to establish the values for FY2K evaluation. Mid-March, the Bureau of Local Assessment will come in and help them upgrade the cost schedules. Every property will be physically viewed by Labor Day. He expects to submit values to Bureau of Local Assessment by September. He stated that he expects preliminary certification by the Bureau of Local Assessment by November 1. Public disclosure period is the week before Thanksgiving and then after the disclosure period, he would report to the Bureau of Local Assessment any changes they've made as a result of the public. Mike noted that this Bureau gives us final certification. It is not until that point that we can submit our figures for new growth. Tax bills will be mailed on December 31, 1999.

Mr. Flynn presented a slide which displayed the median single-family sale price for the first 8 months of 1998 was \$187,500. Median is the mid-point of the sales - from the top to lowest - this is the mid-price. It is not the average. He displayed a chart of median single family sale prices from 1995 to 1998. The median price was \$160,000 in 1995; \$165,000 in 1996; \$175,000 in 1997; \$187,500 in 1998. There are 1200 single family sales during one year. John Kahn: from time to time we hear from people who believe they are due an abatement. Where does that belong in this process? Mike stated they could come into the Assessors office anytime they want or call for an home inspection to be conducted at their convenience. John Kahn asked Mr. Flynn to speak about different approaches to values. Mike stated that for commercial/industrial properties they look at the income approach to value. To convert commercial properties into fair market value they look at what the fair market rent would be for that type, the area, the condition, etc., and establish what the fair market rent would be. Then they deduct standard vacancy factors to arrive at the effective gross income and take our standard exemption ratio to arrive at the net operating income. That is converted to value by use of a capitalization rate which is derived from a combination of interest rates; mortgage rates; terms, loans; equity, etc., and then converted into value. The Commercial/industrial approach is a cost approach where they establish the cost; add the land value and other components.

Residential property they will do a market adjusted cost and establish a value through the sales, deduct the building value, less depreciation and the remaining value is attributable to the land. John Kahn asked about the Clause 18 exemption. Mr. Flynn stated the qualifications for such is they must be aged, infirmed and have a financial hardship. There are no guidelines set by the state for this exemption. This is not reimbursable to the town/city from the state. Mr. Flynn stated they take each case on a case by case basis. John Kahn noted his concern about the discretionary use of this exemption by the Assessors Department and suggested Mike look into setting up some specific guidelines to allow uniformity. Mr. Flynn agreed. Mr. Flynn stated that Clause 41A is a total deferment and he feels it's easier to steer people in that direction because it defers the taxes until they sell their home. The town does place a lien on their property and most people do not think that that is in their best interest. Charlie Sisitsky asked since the public will get to know what their new assessment is the week before Thanksgiving, is there any recourse to discuss those values at that time? Mike stated there would be once they were published in the paper. Valerie Mulvey asked what the highest credit we would normally give under Clause 18? Mr. Flynn stated it was \$500.00. The town does have the option of crediting the entire tax bill.

Tom O'Neill inquired how the town was going to deal with people that are on fixed incomes and own a home and every year their tax bill increases. The suggestion was made that perhaps the Board of Selectmen could establish an ad-hoc committee to study the assessing procedures. Mr. O'Neill noted that the towns of Sudbury and Wayland have made an attempt at this situation and did not know if Framingham was considering same. Mr. McCann noted that statistics can say anything you want them to say and stated there is no new affordable housing being built. Tony Bloise wanted Mr. Flynn to be aware of another survey that was done by Maureen Dunne which did not depict the same scenarios as his.

The Chairman thanked Mr. Flynn and asked him to consider a taking another look at setting up guidelines for the Clause 18 exemptions. Mark Rees stated that the legislature is considering changes in the law.

Community Update: Knox Trail Boy Scout Council, Dennis Prefontaine

Dennis Prefontaine: presented visions for Nobscot's. Serve over 9,000 young people with over 2,000 volunteers. Annual Reports were given to Board of Selectmen. Map of Nobscot Scout Reservation on Sudbury/Framingham line with 688 acres in total. One third of the land mass is on the Framingham side. The camp has been designed to have programmatic zones. There were over 6000 people that used Nobscot in 1998 for casual/passive activities not including the Boy Scouts usage. Mr. Prefontaine stated that they make it available to the community as well and noted that Nobscot is a unique area because of it's ecology and historic significance. They have designed 3 loops utilizing topography and created trails for school groups. There is an 18th century cemetery on the property and lean-to shelters. He provided artists perceptions of what the property will look like without overdevelopment. Dennis stated that there is a Small Pox Cemetery on the site. There is no maintenance of the two burial grounds. John Kahn asked if they had an outreach to minority communities? Dennis stated that they already had preliminary discussions with the Boys and Girls Club (of the Hollis Street Fire Station) and have three Cub Scout troops with Brazilian population in this community. John O'Neill a member of the Board, was also present.

Conference re: Zoning Board of Appeals Appointment

It was noted that Ms. Tolman is sick this evening but did not want this vote delayed. Ms. Mulvey said the new member should be from the associate member side since the last appointment was from outside the Board. Dennis Black's name was raised from a member of the audience and noted his years as "bench warmer" and wonderful attendance record. Donna Demeres and Phil Ottiavianni's names were also suggested by members of the audience to be appointed to full members.

Ms. Mulvey noted that the By-Law has been more articulated to say what the Board needs to look at in candidates. She noted that this Board is all new members within the last 6 months and all were well qualified and all associates have years of service to this town. However, Mr. Mulvey also stated her desire to postpone this vote and would base her decision on the actual performance of associates. She noted her attendance at their last meeting. John Kahn stated he would move Dennis Black be appointed as full member of the Board. The motion was never seconded.

**Motion** by Valerie Mulvey that we postpone the appointment of full member of Zoning Board of Appeals until the end of the annual town meeting, but no later than May 31, 1999, and ask the acting chair to begin to routinely and equally assign each associate to hear petitions. Selectmen, if possible, should attend at least one hearing (3rd Tuesday of the month) and one decision making meeting (1st Tuesday of the month) during this time. Candidates for the full seat should be evaluated based on their knowledge of applicable sections of the By-Law, reasoning skills, demeanor, presentation and objectivity. Seconded by Charlie Sistisky. Discussion: John did not believe we should further postpone the appointment and stated this is a vital Board and should be fill promptly. Valerie stated that having attended the last meeting she would prefer a more objective approach and urged members of the Board of Selectmen to attend their meetings. Charlie asked what the length of this term would be. It would expire a year from June. Mr. Kahn stated that the Board of Selectmen appoints the Zoning Board but it is an independent Board and did not think it appropriate of the Selectmen to tell the Zoning Board how to conduct it's business. Vote: Three in favor; John Kahn opposed. The Chairman asked Acting Town Manager to prepare a letter for the Acting Chair of the Zoning Board of Appeals.

Gerry Kearney approached the microphone and questioned the Board's reasoning for delaying this and stated that he was respectfully resigning from the Zoning Board of Appeals effective this evening. He presented the Chairman with a letter. Chris Petrini stated that this does not need to be re-advertised again since we already have a pool of applicants from the last time it was posted.

### **Acting Town Manager's Report**

Mark Rees stated that he is trying to acclimate himself to Town Manager's Office and had a seminar with Division/Department Heads this morning to develop writing goals and objectives to make the budget process more consistent. He also noted that he had met with David Kutner and Bill Skinner and the engineers at the 9/90 site to bring him up to date and he will be prepared to give the Board of Selectmen a report next week. Preliminary budget reports will also be ready next week. Mark also stated that he would have a recommendation on the Acting Human Resources Director by next week.

Mr. Tony Bloise asked if the town was going to have program based, goal oriented budget this year? Mark stated that what he is proposing is consistent with the plan that was given to the Board of Selectmen in the fall. Summary Budgets will be provided on the 11th and detailed budgets sometime after that. Mr. Frankey stated that Mr. Bloise should not speak to Mr. Rees in disrespect and let Mark finish answering his questions before asking other ones. Mr. Frankey asked about the re-construction of Waverly Street which was supposed to have started after the Marathon of 1998. He asked Mark to see when it was scheduled to be done.

### **Selectmen's Reports**

The following meetings were noted:

- March 4: joint meeting with Planning Board
- February 25: joint meeting with the Conservation Commission

Chris stated that we had a notice or opinion from Town Counsel in the packages regarding Polly Esta's.

Chris stated that he would entertain a motion to send a notice to Polly Esta's that we will take up the possible revocation of their license. John Kahn stated that the Board has his proposal with respect to procedural rules and asked if it might be prudent to delay this motion until the Board has heard from Town Counsel. Upon discussion, the Board agreed to ask Town Counsel to expedite his counsel on Mr. Kahn's proposal before we schedule a hearing. Mark was asked to speak to Town Counsel regarding same.

Valerie informed the Board that she attended the 495 Shared Solutions meeting on Saturday, the 23rd. She will bring in her reports and leave them in Board of Selectmen's office if anyone wanted to look them over. She also attending the Mass Bay hearing with Congressman Markey later that day. She also noted that she had represented the town at Ashley Gomes funeral yesterday. Next Tuesday, February 9th at 8:30 in Hopkinton town hall is the first MPO meeting to explain the TIF process. John Kahn stated that he and the IS Director had attended the conference at the State House on planning for the year 2000. He stated the importance for municipalities to be prepared to cope with power outages; fuel shortages, etc. John stated that there is no coordinated planning in this town to protect citizens if there is a prolonged power outage and asked the Chair to put it on next week's agenda calling for a "Y2K Compliance Group" to discuss how to deal with wide spread utility and power outages. Chris said it may not be able to be on agenda until later.

### **Action Items:**

#### **Approval of Minutes of November 23, 1999**

**Motion** by Charlie Sisitsky; seconded by Valerie Mulvey to accept the minutes as presented for the meeting of November 23, 1998. Discussion: None. Motion carried unanimously.

**Review and Approval Promotion: Daniel Nau**

Mark Rees stated that he was not "up to speed" with everything on this issue. Chris asked for the wishes of the Board. John Kahn noted that they had asked Town Counsel for language and his memo confirms that this promotion should not set a precedent. The Chairman asked Mark Rees to ask Town Counsel for the text of a motion for this item..

**Motion** to table this action item by John Kahn; seconded by Valerie Mulvey. Discussion: none. Vote: unanimously carried.

**Motion** to go into Executive Session and return to Open Session for the purposes of adjournment was made by Valerie Mulvey and seconded by John Kahn. A roll call vote was taken with all voting in the affirmative.

The Board adjourned to Executive Session at 9:25 p.m.

The Board returned to Open Session at 9:45 p.m.

**Motion** by Valerie Mulvey and seconded by Charlie Sisitsky to adjourn this evening's meeting. All voted in the affirmative. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Nancy Starr-Ferguson  
Substitute Recording Secretary

  
VALERIE W. MULVEY, CLERK