

SELECTMAN'S MEETING  
MARCH 29, 1999

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

Mr. Petrini called the meeting to order at 7:40 p.m.

COMMUNITY UPDATE - CHIEF LARRABEE

Chief Larrabee came before the Selectmen to review a situation revolving around an incident which occurred between two Framingham Police officers and an African American, resident, Ms. Miles. He reported that there was a difference of opinion as to why the police stopped Ms. Miles. The Police Department is currently interviewing all the individuals and officers involved in the incident. From the Chief's point of view, there are conflicting reports about police procedure employed during the traffic stop. Upon the completion of the entire report, the Chief will meet with the new Town Manager and report to the Board in Executive session. Secondly, the Chief discussed what has gone on to keep community health intact. The Framingham Police Department has undertaken a number of community surveys. Currently, every tenth case receives a call back and a survey is completed about the service received from the Police Department. The Police Athletic league has been working in tandem with the Hispanic community. Through the department's leadership council, the Chief plans to reach out to the people quoted in the paper. Chief Larrabee noted that his department has been targeting speeding vehicles and red light violators. The Chief reported that the Miles incident involved motor vehicle violations. The Chief maintains that the police acted with probable cause and their judgment was sound. At any public forum, the Chief will public review the incidents surrounding the Miles case. No racist remarks were made to any of the parties involved. Mr. Kahn stated that Chief Larrabee has brought to the Framingham Police Department a number of innovative programs which have become models over the country. Mr. Kahn asked why the presentation was being made this evening and he thought it premature to announce the outcome of an incomplete investigation. Chief Larrabee stated that he and the Chair decided that the police might not get a fair reading unless he appeared and clarified their side of the investigation. The Chief re-iterated that a fair and partial review was presented on the subject. Mr. Hayward, resident, stated that he had a concern about the behavior of the Police Department with particular regard to internal affairs. He questioned how many African Americans have gone before the police and then were charged with a crime. Chief Larrabee stated that he was familiar with Mr. Hayward's complaint, but was uncertain how many persons of color had been charged with filing a false report. The Chief will investigate this matter. Another resident announced that she was fearful of the Framingham Police. Chief Larrabee stated that this resident should work with the Leadership Council and air concerns in a forum. Very few complaints are leveled against the Framingham Police Department. Mr. Petrini thanked the Chief for his leadership and innovative police policies. Ms. Mulvey commended the Chair and the Chief for bringing this matter before the public.

REPORT - STEPHEN HERRING, TOWN HISTORIAN:

Steve Herring, Town Historian, and Chair of the Framingham Historical Commission, came before the Selectmen to update them on his activities over the past year. Mr. Herring reported that he is in the process of writing a new comprehensive history of the town of Framingham, with the support of the Historical Society and Tercentenary Commission. This work is intended to be published during the Town's 300th anniversary celebrations in the year 2000. In addition, Mr. Herring has been a regular panelist on the monthly "Framingham Trivia" show, has inspected the restoration work done on early town records, has worked with the Friends of Saxonville group including the preparation of a historical display on the Saxonville Athenaeum, has conducted a special bus tour of Framingham's African-American heritage sites and spoke in Portland, ME on regarding Thomas Danforth. Mr. Herring was commended by the Board for his superior effort. Mr. Petrini asked when an updated history on the town would be available to the public. Mr. Herring stated he planned to have the history completed early in 2000. Mr. Petrini noted that the Historical Society requested that the bridge going over Cochituate Brook on Old Connecticut Path be named for Crispus Attucks. Mr. Herring noted that Crispus Attucks was one of Framingham's outstanding citizens and the first American to fall in the struggle for American Independence.

MOTION:

Moved by Ms. Mulvey, seconded by Ms. Tolman, that the bridge over Cochituate Brook on Old Connecticut Path be named for Crispus Attucks. So voted.

Ms. Tolman noted that Friends of Saxonville planned to hold an event early in April. Ms. Shulman announced the date of the antiques appraisal event, Friday, April 9th, Village Hall.

**DUCA'S RESTAURANT - CONTINUED CONFERENCE:**

Bob Duca, Jack Walsh, and Alma Hutchinson returned before the Selectmen to update them regarding progress made on the fire alarm system in the restaurant. Both Deputy McGuiggan and Paul Mormino submitted written reports. The Fire Department, in a memo dated March 29th, indicated that Mr. Duca had paid in full for fire watches to cover his hours of operation on March 26 and March 27. As of today, the Fire Department received notice that Mr. Duca and Pro-Tech Security reached an agreement and the fire alarm system would be completed on Wednesday, March 31, 1999. Mr. Mormino indicated, in his memo of March 29th, that there has been no additional real estate tax payment and the account has a current delinquency of \$7367.31. Mr. Walsh concurred. Mr. Duca was under the impression that the taxes were paid by the landlord. Mr. Winer, Pro-Tech Security, has an agreement with Mr. Duca to complete the fire alarm system. Mr. Sisitsky noted that the Selectmen planned to schedule a public hearing to see whether Duca's should be closed. He also stated that the Selectmen, not the Fire Department, had the authority to shut down the restaurant. Mr. Sisitsky thought the Board should schedule the public hearing in the event that Duca's does not comply with the requirements of the Fire Department. He urged the Board to continue scheduling the hearing and not grant the entertainment license. Mr. Winer noted that the current fire alarm system is workable if turned. He stated that the only item that is incomplete is the master box. Mr. Sisitsky was familiar with the fire alarm system. Mr. Kahn thought it should be made clear that Mr. Duca should continue to maintain the fire detail. Mr. Petrini suggested the following motion: issue the entertainment license until there is a sign off from the Fire Department, allow Duca's to remain open until such time as he receives a clean letter from the Fire Department, pays his taxes, maintains a paid fire detail in the interim, and a hearing takes place on April 8th, 1999. Mr. Kahn proposed an alternate motion. He suggested that since Duca's was operating anyhow, the Board should provide a temporary entertainment license to legitimize his operation. Mr. Sisitsky was not in favor of any action to legitimize Duca's at this time.

**MOTION:**

Moved by Mr. Kahn, seconded by Ms. Mulvey, to issue temporary entertainment license to expire on the night of April 8th, subject to maintaining fire details until April 8th, and receipt of a clean letter from the Fire Department stating that public safety issues have been met, and receipt from the Treasurer that all taxes have been paid. Four in favor. Mr. Sisitsky opposed.

Ms. Tolman asked if a temporary license could be issued. Ms. Hutchinson stated the Board had the authority to issue such a license. Mr. Duca would not need any fire details once he was in compliance.

**BOARD OF SELECTMAN - TOWN MANAGER APPOINTMENT:** Mr. Petrini announced that reports on the site visit will be made this evening. Mr. McCallion, Human Resources, spoke to the Selectmen about the site visits and the contractual arrangements discussed with Messrs. King and Irwin. Mr. Petrini stated that the Board had spent a long time on developing a contract and the Selectmen met at length to review it. Mr. Bikofsky revised the contract with the help of Mr. McCallion. Both Ms. Nolan and Mr. King have accepted the modified contract for a salary of \$90,000. Mr. Irwin wrote back that he has several issues with the contract, however, tonight's vote will not be delayed. If Mr. Irwin is chosen, the Selectmen can review his requests.

**Irwin-Ridgewood, N.J.**

Mr. Kahn/Petrini reported on their visit to Ridgewood, N.J. Ridgewood is an affluent, well maintained community. They do not have a town meeting, but do have a Village Council. The School Committee prepares its own budget which is then sent to the voters every year. The Council and Village Manager have nothing to do with this budget unless it is rejected by the public. There is a small minority population with very little diversity on the Council. Mr. Kahn stated that Mr. Irwin was employed by Ridgewood in 1991 and was given a mandate to stabilize the tax rate. He accomplished his assignment. During the years of his tenure, Mr. Irwin encountered several adversaries on the Council who were subsequently defeated. There was a general, highly favorable consistency with regard to the comments received about Mr. Irwin. The essence of the comments were as follows: strong manager, worked with colleagues, good working relationship with Superintendent of Schools, open lines of communication, sought out qualified residents to serve on the Advisory Council, produced a five year operating plan. Since Mr. Irwin was an outside professional manager, Mr. Irwin had no difficulty obtaining full support of many life-long residents. Mr. Petrini got the input of "gadflies" on the Council who felt that Mr. Irwin was sometimes discourteous and did not always provide appropriate information. Mr. Kahn mentioned that he thought the visit was joint and would have preferred that Mr. Petrini shared this information with him. Mr. Sisitsky felt that a report from a city councilman in Watertown should be presented. He read a letter from this Councilman which was strongly against Mr. Irwin.

Pamela Nolan - Weymouth:

Ms. Tolman reported that she and Ms. Mulvey went to Weymouth, population 52,000. There is no central downtown and Weymouth does not have a large commercial base. Fifteen individuals were interviewed. Weymouth has a charter question before them and described themselves as a town in turmoil. The structure of the Board of Selectmen is different and departments are separate. Ms. Nolan's role was clearly administrative and she was a liaison between her Board and other departments. An appropriations committee is responsible for all budget information and preparation of the warrant. There is a town meeting form of government. Many department heads were lifelong residents of Weymouth. There was an under current that Ms. Nolan was good at building consensus when possible, but her position did not have much authority. She was described as having good people skills but was not in a leadership role. The Police Chief had good rapport with Ms. Nolan. Ms. Nolan's appointment had expired in July of 1998 and she was retained on a three month basis from that point on. Ms. Nolan had very little interaction with the Public Works Department. Ms. Nolan was very friendly to citizens and perceived as helpful and a good listener. Ms. Tolman reported that Ms. Nolan had a strained relationship with the town craftsmen. The Chairman of the Board of Selectmen felt that Ms. Nolan was "user friendly" and had an open door policy. With regard to the budget, the appropriations committee indicated that there was relatively no interaction in the budget process by Ms. Nolan and expressed concern with negotiating skills. Ms. Mulvey stated that Ms. Nolan was likable but did not have much control or authority.

George King - Ms. Mulvey and Mr. Sisitsky conducted the site visit: Mr. Sisitsky noted that he was the only local candidate which may work at a disadvantage for this candidate. Jim Egan, Town Owned Buildings Department, reported that Mr. King loves the town, is focused, has a strong motivation to succeed, and was impressed with Mr. King's desire to incorporate diverse populations. A strength of Mr. King was to surround himself with qualified personnel. Mr. Cooper, Board of Health, stated that he had worked with Mr. King and was impressed with his professionalism and good ideas. He said that George is demanding and honest. Mr. King's knowledge of the town appears to outweigh his inexperience as a manager. Mr. Mormino, Treasurer/Collector, reported that Mr. King demonstrated strong leadership and financial skills, always followed proper procedure, has a strong knowledge of by-laws, there would be no learning curve, and has a strong work ethic. Mike Smith, Fire Chief, stated that he worked closely with Mr. King. The Chief stated that George was thorough, a good department head, understands contracts, is service oriented, recruited new hires and had excellent people skills. Dr. Smith, School Superintendent, indicated he has not had much interaction with Mr. King, but feels he can work well with people and recognizes the importance of schools. Mr. King's office staff stated that he was able to delegate, cared about the town, is knowledgeable about the town as a whole, is fair, and well versed in town meeting affairs, and would be a good manager. Mr. Merusi, Park and Recreation, felt that Mr. King is open minded and makes decisions. He is reported to be a people person and insightful. Mr. King is local, modern, professional, articulate, and straightforward. All interviewed had no reservations in recommending Mr. King for the position.

COMPARATIVE DISCUSSION:

Mr. Sisitsky stated that he had received comments from a city councilman in Watertown who said Mr. Irwin was evasive, arbitrary, self-serving, dishonest, and did not recommend hiring him and destroyed Watertown. Mr. McCallion was asked by Mr. Kahn if he verified any of the statements made by this councilman. He did not.

Ms. Mulvey asked what part of the budget Mr. Irwin dealt with. It was reported that he only worked with 20% of the budget.

Ms. Tolman discussed the interview process. She felt Mr. Irwin was non-specific during his interview and spoke in vague generalities. Ms. Tolman thought Ms. Nolan interviewed very well and was surprised when she went to Weymouth to see how little involvement Ms. Nolan actually had in town affairs, especially the budget process.

Ms. Tolman was impressed with Mr. King's interview and thought his recruitment and budget policies were admirable and he had extensive financial talents.

Mr. Kahn started out with the assumption that any candidate presented was qualified for the job. He was somewhat surprised to hear the comments Mr. Sisitsky read about Mr. Irwin and had difficulty crediting the un-verified comments. Mr. Kahn was looking for someone with organizational ability which has been demonstrated in a significant way, leadership skills to formulate a vision for where the town should go, and the ability to assess issues objectively. Mr. Kahn asked Mr. King about the pros and cons of being local. Mr. Kahn was disappointed in Mr. King's answer to this question. With regard to discretion, Mr. Kahn felt a candidate was needed who could demonstrate his ability to be impartial. Mr. Kahn wondered why Mr. Marcoux, Jane Joyce, David Kutner, the John Hancock Co., and instructors in graduate school were not contacted for a reference. Ms. Mulvey noted that Mr. King made it to the finals through a thorough search process and felt that persons interviewed were honest and accurate.

Mr. Petrini felt that the search committee brought forth three qualified candidates. He said that he looked for several factors and thought Mr. King exhibited courage, creativity, passion for the town and institutional knowledge. Additionally, Mr. Petrini felt that Mr. King believed very deeply in the town and Framingham did not have the luxury to have a short term manager. Mr. King asked for pay based on merit.

Ms. Mulvey stated that the process began last fall and the search was thorough and comprehensive. She felt that Framingham needed a town manager who was creative and dedicated to the town.

MOTION:

Moved by Ms. Mulvey, seconded by Ms. Tolman to nominate George King to the position of Town Manager. Four in favor, Mr. Kahn opposed.

Mr. Kahn nominated Rodney Irwin. Mr. Petrini visited Mr. Irwin's site but would not second Mr. Kahn's motion. No second.

Mr. Sisitsky read a statement about the search process and hoped the citizens would view this choice as a new beginning for the town. Mr. Sisitsky hoped that Framingham could move forward in the spirit of harmony and cooperation. With that in mind, he made the following motion,

MOTION:

Moved by Mr. Sisitsky, seconded by Ms. Mulvey, to make the vote unanimous. So voted. Make appointment unanimous, Seconded by Ms. Mulvey. Mr. Kahn voted in favor of the motion in the spirit in which it was made.

Mr. King came before the Board to thank the Selectmen for their effort during the most difficult process. He planned to take heed of Mr. Kahn's concerns. Mr. King thanked his staff and family for their continued support during the past months. Mr. Petrini congratulated Mr. King on behalf of the Board.

ACTION ITEMS:

Approval of minutes of February 4, 11 and 25, 1999.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Sisitsky, to approve the minutes of February 4, 1999. So voted with Ms. Tolman abstaining.

MOTION:

Moved by Mr. Mulvey, seconded by Mr. Sisitsky, to approve the Executive Session minutes of February 4, 1999. So voted with Ms. Tolman abstaining.

MOTION:

Moved by Ms. Tolman, seconded by Mr. Kahn, to approve the minutes of February 11, 1999. So voted.

MOTION:

Moved by Ms. Tolman, seconded by Ms. Mulvey to approve the Executive Session minutes of February 11, 1999. So voted. Mr. Petrini asked Ms. Simons to add the names of the attendees.

MOTION:

Moved by Ms. Tolman, seconded by Mr. Sisitsky, to approve the minutes of February 25, 1999. So voted with Ms. Mulvey abstaining.

Appointment of Marjorie Goldin, Constable. Mr. Landry noted there was no limit on the number of

MOTION:

Moved by Ms. Mulvey, seconded by Ms. Tolman, to appoint Marjorie Goldin to the position of Constable for a three year term. So voted unanimously.

Approval of fee waiver for use by Portuguese Women's Club:

MOTION:

Moved by Ms. Mulvey, seconded by Ms. Tolman, to approve the waiver of fees for the use of Nevins Hall on April 18th for a luncheon. So voted. The fee will be waived with other expenses occurred by the Portuguese Club.

One Day Alcohol License- April 10th- Circle of Friends

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Kahn, to approve the one day license for the Circle of Friends Nursery School. So voted.

A motion to adjourn was entertained at 10:00 p.m.

VALERIE W. MULVEY, CLERK