

SELECTMAN'S MEETING

APRIL 8, 1999

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

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

Mr. Petrini congratulated Ms. Hopkins on her election to the Board of Selectmen. Mr. Petrini thanked Ms. Tolman for her three years of dedicated service to the town. Ms. Hopkins had a previous commitment which prevented her attendance this week.

Mr. Kahn requested that the Selectmen issue a formal appreciation for Ms. Tolman's years of service. He read a formal proclamation into the records for the approval of the Board.

MOTION:

Moved by Mr. Kahn, seconded by Ms. Mulvey, to adopt the certificate of appreciation for Ms. Tolman. So voted unanimously. (see attached)

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Sisitsky, to table the reorganization of the Board until the meeting of April 15, 1999 to accommodate Ms. Hopkins. So voted.

PUBLIC PARTICIPATION:

Mr. Donnell spoke about his desire to give money to the town. Buff Franchi, thanked Mark Rees for his work on the Waverly Street construction project. Robert Edwards, rose to assure the Superintendent of Schools his support. James McCann, spoke about the Waverly Street crossing and the lack of cooperation from the Public Works Department.

HEARING - DUCA'S RESTAURANT-ENTERTAINMENT LICENSE:

Attending tonight's hearing: Bob Duca, Jack Walsh, Inspectional Services, and John McGuiggan, Fire Department. Mr. King gave the public a brief update on the events concerning Duca's. The outstanding issue remains the fire alarm. Deputy McGuiggan reported that the fire system is operational. Mrs. Hutchinson, Licensing Administrator, reported that the real estate taxes were paid in full.

The purpose of tonight's hearing was to review fire safety issues and insure that Duca's Restaurant was in compliance with all fire codes. Mr. Walsh recommended that Duca's be issued an entertainment license. Mr. Kahn asked if Peter's Pasta, Pasta Etc., the proposed caterer would be serving liquor. Mr. Duca stated that only he and his servers will be running the bar.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Kahn, to issue an entertainment license to Duca's. So voted unanimously.

JOINT MEETING, SCHOOL COMMITTEE & BOARD OF SELECTMEN

Attendance: Dr. Smith, Suzanne Aymes, Richard Weader, Charles Brody, Phil Dinsky, Pat Dunne and Pam Hulme were present. Mark Rees, CFO, was also in attendance.

Dr. Smith stated that the School Committee requested a joint meeting to further discuss the potential budget deficit. Mr. King briefed the Selectmen on progress during the past week. He stated that the budget must be balanced and to do so will require substantial policy decisions on the part of the Selectmen. Mark Rees presented revisions to the original budget and reviewed a draft proposal. He stated that the initial budget submitted was \$134 million. Since the sale of tax liens to a third party was not deemed to be an option, this source of revenue was not recommended, thus removing \$750,000 from projected revenues. Other adjustments were made in Group Health, school choice, purchase of police cruisers, the overlay account, retirement, and Veteran's benefits, leaving a surplus of \$301,000. The School Department is asking for \$1.7 million.

Mr. Rees reported that the Finance Committee voted unanimously to support CFO's budget with adjustments made, distribute \$200,000 to the schools and \$100,000 to the municipal side. Mr. Rees put forth a proposal in his capacity as CFO, to potentially resolve fiscal problems. He recommended that \$950,000 be appropriated from the stabilization fund, making \$1.2 million available. Mr. Rees recommended that \$834,035 be given to the School Department and \$417,017 to the town. Mr. Rees stated that the use of the stabilization fund was contrary to prudent fiscal management, but recognizing the reality of the situation, additional services should be provided. He proposed that concrete measures be taken to avoid a deficit budget three years in a row. Mr. Rees suggested an override and proposed that the Board of Selectmen fund a management study to consolidate similar services, that the CFO, Town Manager and School Superintendent solicit proposals from qualified firms for privatization of services such as school bus transportation, and thirdly, that the Town Manager and Superintendent identify other communities negatively impacted by the current formula and sponsor a conference.

Dr. Smith asked the Selectmen how they would like to proceed. Mr. Kahn stated that he thought it would be useful if the School Department presented their view of the situation. Ms. Hulme said that she believed there was a long term problem but did not feel the School Department's budget was inflated. Mr. Weader stated that the adjustments presented based the entire town's deficit on the School Department.

Mr. Weader said the town had been using projected free cash for years and suggested that the policy be re-instated. He also addressed group health insurance stating there was a reserve in this account. Mr. Rees noted that one of the policies used to formulate the budget was the growth of revenues which would determine growth in school and library budgets. With regard to the free cash policy, both Moody's and Melanson-Heath do not recommend the use of free cash. There is a surplus predicted in FY99 for health insurance, but should the town change carriers, this surplus will be necessary. Mr. Petrini asked what the increase to the police budget did to change the figures. Mr. Rees stated that the Police and Fire Department budgets were status quo, with no additional services. Municipal departments have seen reductions in budget. Dr. Dunne stated that some fixed costs were not fixed and he was leery of formula distribution. Dr. Smith reported that he had petitioned the legislature for funding for the Learning Center for the Deaf.

Mr. Petrini noted that there has been improvement on the fiscal management side. Dr. Smith discussed recommendations from the Financial Task Force. He said that a 7-8% budget increase would allow the schools to retain the status quo. Dr. Smith stated that if both parties were comfortable with the figures, then the Selectmen and School Committee should work privately to come to agreement. Mr. King endorsed Dr. Smith's suggestion. He agreed that this year's problem could be solved, but long term issues must be addressed.

MOTION

Moved by Ms. Mulvey, seconded by Mr. Kahn, appoint Charlie Sisitsky and John Kahn as representatives to serve on the working budget review group and report to the Selectmen. Dr. Smith, Mr. King, and Mr. Rees will also participate at working group meetings. So voted.

Dr. Smith reported that he had discovered an allocation made to the town of Northhampton for their school for the deaf and would like a letter sent out from the Selectmen to try to help the town receive such an allocation for the Learning Center for the Deaf.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Kahn, to send a joint letter to our state representatives seeking funding reimbursement for the Learning Center for the Deaf. So voted.

Ms. Mulvey would like to the Selectmen to address some items on Mr. Rees' suggestion list, particularly the idea of a coalition of communities approaching the state legislature. Ms. Hulme stated that Framingham had to find a similar community with which to form a coalition. Ms. Hulme reported that the schools had worked to reduce budget. Mr. Sisitsky asked what the impact on the town's side would be with the recommended budget. Mr. King will present these figures in summary form. Mr. King reported that the \$950,000 recommended for use was the balance of the money in the stabilization fund. Mr. Rees recommended using the stabilization fund as opposed to free cash because of the certainty of prediction. Mr. Sisitsky asked the total available in the stabilization fund. Mr. Rees reported that it was \$3.4 million. After using the money necessary for teacher pay deferrals of \$2.3 million, there will be a balance of over one million.

Audience participation:

Ms. Mandel rose to discuss the risks associated with cutting school budgets. Mr. Franchi asked Dr. Smith if there was a meeting with the legislators. Mr. Bloise asked Dr. Smith what specific cuts would be made by the schools. One parent reported that over 300 students were registered for school, most of whom needed bi-lingual service.

Mr. Kahn mentioned that the committee should focus on long range solution to deal with fiscal problems with the resources we can manage within ourselves. Mr. Petrini disagreed and felt that state education aid could be addressed with the legislators.

CONFERENCE-EASTLEIGH FARMS:

Judy and Russ Turmail, representing COSAR - Citizens for Open Space and Recreation, came before the Selectmen to ask for the Board's endorsement of their community project effort to purchase Eastleigh Farms under Chapter 61A, and retain this parcel as open space. COSAR believes that the preservation of this farm is a worthwhile priority in fulfilling the objectives described in The Town of Framingham Open Space and Recreation Plan 1999-2000. This farm is a buffer for Callahan State Park. Mr. Turmail is asking for the Board's endorsement as COSAR pursues this parcel as open space. The Department of Environmental Management is interested in purchasing the parcel. COSAR has made a commitment to raise funds. COSAR would like to approach the Planning Department for some research. Mr. Sisitsky asked for elaboration on the request for Capital Budget to help fund this project. Mr. Turmail asked for guidance for future budgeting for an open space plan.

MOTION:

Moved by Mr. Sisitsky, seconded by Ms. Mulvey, that the Selectmen support the efforts of COSAR (Citizens for Open Space and Recreation) who are trying to acquire this property for open space, and inform the Planning Department to offer assistance, within their abilities, to locate grants and help explore various grant opportunities that may exist. The Board will take up the subject again when there is more clarity on an open space plan.

Ms. Mulvey asked the status of the land. A sale appears to be imminent.

TOWN MANAGER'S REPORT:

Mr. King pointed out that the Selectman's Office has been receiving a number of letters from Singletary Lane residents regarding traffic and road conditions. He has requested a report from DPW and the Safety Officer.

Web Converting is still interested in pursuing a TIF. Mr. King has forwarded their inquiry to Mr. Rees for further study, if acceptable to the Board. The Selectmen agreed that further study is necessary.

The Wittenborg land purchase is scheduled to close on May 14th.

Orientation for Town Meeting will be held on April 14th and April 21st.

Forty-eight parking spaces will be lost on the Waverly Street lot due to MBTA station construction. Temporary land might be obtained from Conrail. The Planning Department is working on that avenue.

A more complete formal Y2K Task Force is being formulated.

Framingham has been named as Tree City USA. Signs will be erected on Waverly Street.

Mr. Petrini raised the possibility of having a separate meeting to address budget policy issues and proposed a special meeting on Monday, April 12th or the 17th. Mr. King was asked to post a meeting on Monday, April 12th as a work session.

Mr. Kahn asked Mr. King if he could write a report on the status of open items existing when Mr. Marcoux left the area. Mr. Kahn also mentioned that he would like to continue with the weekly action sheets. Mr. King was agreeable and planned to update the employees on action or events taking place at Selectmen's Meetings.

SELECTMAN'S REPORTS

Ms. Mulvey reported that there was a workshop on responsible alcohol use held on Tuesday, April 6th. Communities present planned to use Framingham's Alcohol policy and she reported that it had become a model for the state.

Ms. Mulvey attended a meeting of the MPO to investigate construction project funding. Mr. Franchi, Precinct 15, asked why no work had been started on the Waverly Street construction project.

Ms. Mulvey attended a Hollis Street Community Center fund raising event. Several events are planned to raise funds. Details will follow.

ACTION ITEMS:

Approval of minutes of March 4th and March 11th.

MOTION:

Moved by Mr. Sisitsky, seconded by Mr. Kahn, to approve the open session minutes of March 4, 1999. So voted. Ms. Mulvey abstained.

MOTION:

Moved by Mr. Sisitsky, seconded by Mr. Kahn, to approve the open session minutes of March 11, 1999. So voted with the notation that on page 5, Article 13, the maker and seconder of the motion are the same person. Ms. Simons was asked to make the correction.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Sisitsky, to approve the Executive Session minutes of March 11, 1999. The motion carried. Mr. Kahn raised the issue of releasing Executive Session minutes. Mr. King will review the minutes.

LETTER OF RESIGNATION FROM SEAN CUNNINGHAM:

The Board was in receipt of a letter from Sean Cunningham stating that he plans to resign from the Conservation Committee, effective April 8, 1999. Since the Selectmen appoint Conservation Commissioners. Mr. King suggested that the Board wait until they make all the appointments before taking action.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Sisitsky, to advertise the vacancy noted on the Conservation Commission to be filled as of July 1, 1999. So voted.

REQUEST FOR APPROVAL OF RIGHT OF ENTRY - BOSTON EDISON CO.

The Board was in receipt of a request from DiNisco Design relative to a Right of Entry for Boston Edison so it can enter town land off Elm Street to repair or replace a transformer. Town Counsel has approved the request.

MOTION:

Moved by Mr. Sisitsky, seconded by Ms. Mulvey, to approve the request of DiNisco Design to a right of entry onto town land off Elm Street. So voted.

REQUEST OF CHICKEN BONE SALOON, EBENEZER'S & COLUMBUS CLUB RE:

MARATHON DAY:

Both establishments requested that they be allowed to serve alcohol in their parking lot on Marathon Day. The Police Department has no objections with the following stipulations: Consumption of alcohol must take place on their property and must be properly cordoned off, all outdoor consumption and service of alcoholic beverages be limited to the hours of 11:00 a.m. to 4:00 p.m., at least two detail officers be present during these hours, and all alcoholic beverages be served in plastic or paper cups.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Kahn, to approve the request of Chicken Bone Saloon, Ebenezers, and the Columbus Club in accordance with the regulations outlined by the Police Department in their memo of April 1, 1999. So voted. Ms. Mulvey would like to have the alcohol policy and Chief Larrabee's conditions sent to the petitioners.

REQUEST OF ST. TARCISIUS RE: ONE DAY ALCOHOL LICENSE:

St. Tarcisius Parish requested a one day alcohol permit on April 17th for a church function.

MOTION:

Moved by Mr. Sisitsky, seconded by Ms. Mulvey, to approve the request of St. Tarcisius. So voted.

REQUEST OF JEWISH COMMUNITY CENTER FOR ONE DAY ALCOHOL PERMIT AND WAIVER OF FEES FOR NEVINS HALL:

The Jewish Community Center of Framingham has requested a one day alcohol permit and a waiver of fees on May 15th for their art auction.

MOTION:

Moved by Mr. Sisitsky, by Ms. Mulvey, to approve the request of the Jewish Community Center for a one day alcohol permit and waiver of fees. The JCC has agreed to pay for custodial and other fees incurred. So voted. Any out of pocket expenses are to be born by the applicant.

REVIEW OF CORRESPONDENCE:

The Board was in receipt of a letter from Barry Bograd requesting re-appointment to the Park Commission for another three year term. In order to achieve consistency in the appointment process, Mr. King asked that these requests be tabled until July 1st. All requests should be date stamped and put on file until appointments are made. Ms. Simons as asked to send a letter to members of Boards whose terms are up informing them of this change in past practice. Mr. Kahn asked for clarification as to whether a review of applicants will occur in July or the vote will take place in July. Mr. King planned a review in May and appointments in July.

MOTION:

Moved by Mr. Sisitsky, seconded by Ms. Mulvey, that the Board of Selectmen take up appointments of elected boards and commissions at the same time as those of the appointed boards, namely July 1st, and notify candidates of this change by letter. So voted, unanimously.

LETTER FROM LOTTERY COMMISSION RE: KENO

The Board reviewed a request from Ground Round Restaurant asking for Keno. Advertise as legal notice and have on agenda of April 15th.

MEMO FROM TOWN COUNSEL RE: WIRELESS COMMUNICATION:

Tom O'Neil, Precinct 8, requested intervention by the Board of Selectmen to request that the ZBA reconsider a decision they made regarding the placement of a wireless communication facility. Mr. Bikofsky, in a memo dated April 2, 1999, stated that the Board of Appeals voted tentatively in favor of the applicant and closed the Public Hearing. It may not accept any further evidence. Mr. O'Neil stated that the issue was within his precinct and expressed concern that the current decision will set a precedent. He prepared a memo asking for a simple motion for reconsideration. The motion did not carry. He repeated his contention that tax payers abutting the property should not be required to expend their own funds for the purpose of appealing this issue. Mr. Kahn asked Mr. O'Neil about claimed ambiguity in the by-law. Mr. O'Neil stated that the intent of the by-law committee was to allow a wire, not a large structure on top of a building. He would like a more concise ruling on the current process. Ms. Mulvey stated that since this was granted, the Zoning Board might be held accountable. Phil Ottaviani stated that there was some ambiguity and the ZBA did not issue a decision. He stated that the Building Commissioner was asked for his review of the subject and did not come back to the ZBA with any different interpretation. Mr. McCann requested further study of the issue. The Board noted receipt of the Town Counsel's report.

NEW BUSINESS

Mr. Petrini announced that the Framingham Celebration Committee will be having an Italian night on April 17th to support Flag Day events.

EXECUTIVE SESSION - LITIGATION - JAMES HAYNES VS. TOWN

Moved by Mr. Sisitsky, seconded by Ms. Mulvey, to go into Executive Session for the purpose of discussing litigation identified as James Haynes vs. the Town of Framingham. A roll call vote was taken with all Selectmen voting in the affirmative.

The Selectmen returned to public session at 10:05 p.m. to adjourn.


VALERIE W. MULVEY, CLERK

Respectfully submitted,

Barbara E. Simons
Recording Secretary