

## SELECTMEN'S MEETING

JUNE 3, 1999

Attendance: Charles J. Sisitsky, Valerie W. Mulvey, Esther A.H. Hopkins, Christopher J. Petrini and John M. Kahn.

Mr. Sisitsky called the meeting to order at 7:45 p.m. He reviewed the agenda for the viewing audience.

### Public Participation:

Carolyn Levy, Precinct 12, requested that the residents of Barber Road be allowed to speak at a Selectman's Meeting. Mr. King has scheduled a conference with the Board on June 10.

### HEARING - RCN/BECO CO. - INSTALLATION OF CONDUITS AND CABLE - UNION AVE., RIVER STREET & FRANKLIN STREET: Barry Maffini, Right of Way Agent for

RCN/BECO Company came before the Board to request permission to install conduits and cables in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distribution purposes. John Bertorelli, representing the Town, was also present to answer questions. The proposed hub site for RCN is River Street. Mr. Bertorelli stated that the town has no problems with the proposal but requested that RCN delay any construction until the end of the school year. All relevant state authorities will be contacted for approval.

### MOTION:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to approve the petitioner's request with the condition that work no begin until school is out. So voted, unanimously.

### DISCUSSION:

Mr. Goodman, Precinct 12, asked about the anticipated length of the project. Mr. Maffini, RCN/BECO representative, stated that the project would not take more than a week, and road resurfacing would be completed in two days. Mr. Goodman asked for details on the use of the hub office building. He stated that the ZBA and Conservation Commission should be contacted before construction begins. Mr. Maffini said that he appeared before the Conservation Commission and received approval to begin construction. The building on River Street will house electronic equipment and act as a service center. Paul Risotte, Precinct 12, asked if the temporary service building will be removed. It will. Mr. Maffini was asked when the site will be up and running and told the audience that the service center should be open within two months. Ms. Johnson, Precinct 12, asked if the street would be passable. Mr. Bertorelli stated that cars will be able to travel on the roadway. Dr. Hopkins asked why the Town of Brookline was referred to on the permit application. Mr. Maffini, apologized stating the reference to another town was an administrative oversight.

### CONFERENCE - HABITAT FOR HUMANITY:

Present tonight representing the Habitat for Humanity were Vernon Johnson and Beverly Good. By way of background, Mr. Sisitsky informed the public that the Selectmen voted to support the warrant article submitted by Habitat for Humanity. The article requested that the Town authorize the Selectmen to transfer the parcels of town-owned land for no consideration. During discussion at the April Town Meeting, a resolution was introduced requesting that the Selectmen sell the land for the assessed value. This resolution was approved by Town Meeting.

Mr. Kahn stated that the Selectmen must decide whether to authorize the transfer of land on Weld Street to a builder of affordable housing with such terms and conditions as the Selectmen deem appropriate. The Board needs to decide how much, if at all they respond to Town Meeting's resolution and what conditions are put on the sale of the land.

Mr. Johnson, Habitat for Humanity, discussed the mission of Habitat which is to build quality homes utilizing "sweat equity", volunteers, and donations. The homes are sold to low income families without Habitat realizing a profit. Mr. Johnson reported that abutters on Weld Street were contacted as was the South Middlesex Opportunity Council and a warrant article was then prepared. In order to build the home, Habitat will need \$60,000. The currently have \$41,500 in hand. Habitat would partner with the Town if land is donated as a building site. Mr. Sisitsky asked Mr. Johnson if two homes were proposed. The answer was no.

Mr. Kahn stated that the resolution of Town Meeting is not binding on the Board of Selectmen. He went on to say that Town Meeting gives notice of the subject matter when it convenes. Resolutions are not printed in the warrant, and are therefore not binding. The article, as it appeared, was to transfer the land with no consideration. The resolution makes no reference to consideration or no consideration. Mr. Kahn stated that disposal of the property must be done through a Request for Proposal and any builder of affordable housing can respond to the bid.

Mr. Sisitsky stated that the Board would likely charge the Purchasing Agent with the development of an RFP, with restrictions as determined by the Board.

Mr. Petrini felt a useful approach might be to ask the Purchasing Agent to prepare an RFP, have a public hearing, and hold another meeting. Mr. Petrini suggested tabling a decision until the Purchasing Agent comes forward with an RFP.

Mr. Sisitsky stated that the Board has to make a policy decision whether to offer the land at no price or set a minimum price. Beverly Good, representing Habitat, stated that the family chosen would be unable to acquire a conventional loan and the price of the land could not be passed onto the home owner.

#### DISCUSSION

Ned Price, Precinct 17, claimed that abutters on Weld Street were given no opportunity to bid on the parcel, nor did all residents receive notification. Mr. Price noted that Town Meeting could have legally authorized the Selectmen to sell the parcel for its assessed value and suggested that the term "affordable builder" be defined. Mr. Price the Real Property Committee involved in drafting the RFP.

Adele Hackenson, Weld Street abutter, read a letter to the Board. She stated that she would like the opportunity to purchase the land to protect her privacy.

Other speakers included Mr. Cofield, Precinct 5, Mr. Carr, Precinct 15, Mr. Franchi, Precinct 15, Ms. Dunne, Precinct 9, Ms. Vassar, Precinct 1, Mr. Goodman, Precinct 12, Ms. Shulman, Precinct 3, Mr. O'Neil, Precinct 8, Ms. Mandel, Precinct 3,

Lengthy public discussion ensued

Mr. Sisitsky asked Mr. Johnson how he felt about returning the first \$60,000 of equity in the house once it was sold. Mr. Petrini asked Mr. Johnson if precedent from Habitat to pay for the land. Mr. Johnson stated that the usual stipulation was purchase for a nominal fee as Habitat has no funds for land purchase. Mr. Petrini asked if there was any case where Habitat paid for property. The answer was that two affiliates have paid a small price for some land.

Mr. Price stated that the difference between the assessed value of the land and the profit was a debt to the town. Ms. Good explained that Habitat held a second blind mortgage for a portion of the equity in the house. After 20 years, the homeowners own full equity in the house.

Mr. Kahn stated that Habitat prevailed at Town Meeting but the victory was not untarnished. He went on to say that since Town Meeting voted to delete the phrase, "for no consideration," it was fairly expressing that there should be "some consideration." Mr. Khan felt that some credit should be given to what Town Meeting decided to do. He did not believe the Selectmen should set a minimum price and stated that the Town had an obligation to put the lot out to bid under an RFP and all builders of affordable housing under the terms of the RFP will have to think seriously as to whether they can put any significant amount of money into the land and still have a feasible project.

#### MOTION:

Moved by Mr. Kahn, seconded by Dr. Hopkins, that we follow the will of Town Meeting as expressed in its motion and vote under Article 7, and that we refer this matter to the Purchasing Agent to develop a proposed set of terms and conditions which this Board can then review. At the same time the Real Property Committee should clearly play a consultative role with the Purchasing Agent in developing the noted conditions. Habitat for Humanity could also be involved in the consultations. So voted, unanimously

#### DISCUSSION:

Mr. Sisitsky asked if Mr. Kahn was suggesting that the lot be sold to the highest bidder. Mr. Kahn concurred. Mr. Sisitsky noted that the highest bid could be one dollar. Mr. King reminded the Board that the highest qualified bidder under the terms of affordable housing was included in the motion. Mr. Petrini felt there should be some judgmental role played by the Selectmen as to awarding the bid. Mr. Sisitsky wanted specifications to include the ground rules. Ms. Mulvey wanted the RFP to include the phrase, "owner occupied." Mr. King suggested that the proposal and the price be bid separately with ratings built into the proposal. Dr. Hopkins said that all requirements discussed tonight would be addressed by state law. Mr. Sisitsky wanted a comprehensive report from the Treasurer on tax title land.

Ms. Mulvey noted that open space was considered contiguous land. She also expressed concern that the abutters were not given the opportunity to purchase the lot but commended the Habitat for Humanity for their effort.

**TOWN MANAGER'S REPORT:**

At the request of the Selectmen, Mr. King reviewed Framingham's current open space and recreation policy. He reported that Framingham does have a valid open space and recreation plan developed by the Conservation Commission, Planning Department and the Park and Recreation Department. The plan is valid until 2002. This plan was initially developed to aid the town in applying for grants. There was also an Open Space and Recreation Committee formed which could easily be re-activated. The Town Manager was asked to review any pending legislation that might be potentially useful for the Town. Mr. King made several recommendations for review by the Selectmen:

He suggested that the Board re-activate the Open Space and Recreation Committee and charge them with the task of researching all the present legislative proposals on this subject and making an inventory of open space. Mr. King stated that there was not a great likelihood for pending legislation to pass. The committee could then recommend the steps the Town should take, be it general or special legislation, to achieve the goals articulated.

Dr. Hopkins stated that the Open Space Committee that formally existed did not outline any provisions for funding. She went on to say that the land tax legislation was unlikely to be passed, nor was an override tax. Dr. Hopkins stated that many State Representatives are working on legislation, however these vehicles are also unlikely to be acceptable. Gifts to the Town can be put aside and can be spent without the need for special legislation. Dr. Hopkins is proposing the formation of a citizen's committee to draft legislation in order to have a vehicle to implement a plan for open space. Such a vehicle would allow the Town to talk with developers, etc. Ms. Mulvey stated that she had spoken with representatives from the Town of Hopkinton, MetroWest Development, and Ms. Grosch, Planning Director. Ms. Grosch did not feel it was logical to draft legislation before open space was inventoried. Ms. Mulvey announced that there will be a forum on June 14 to discuss the preservation of open space. Ms. Mulvey suggested that any committee include the Director of Park and Recreation. Mr. King thought the Board needed to clearly define what they want done. He felt looking taking an inventory of open space as well as establishing a committee was important.

Mr. Kahn complimented Mr. King on his report. Secondly, he felt that Dr. Hopkins and Ms. Mulvey were heading in the same direction and suggested that they sit down and review tonight's proposals. Mr. Sisitsky would like an analysis of proposals to reactivate the open space committee and develop legislation. Dr. Hopkins thought the committee that developed the legislation would be ad hoc and then disappear after legislation was created. Mr. Petrini would like the meetings open to the public and held in the evening.

**MOTION:**

Appoint a new committee as suggested by Dr. Hopkins for the sole purpose of developing the legislative approach to this issue.

Monitor and lobby for the passage of the Community Preservation Act at the state level and then work towards local adoption and implementation.

**Town Manager's Report:**

Mr. King reported that CSX (Conrail) indicated that we will be able to sign a lease in the near future for the South Wye. A resulting problem appears to be a month to month lease as there is some potential that Conrail is going to sell the property to the MBTA. This will result in some capital cost to the town. Mr. King suggested using the lot in its unpaved state to save costs. The Selectmen will have to decide whether to hold a Special Town Meeting in order to sign a lease. Mr. King recommended limiting the scope of the special, opening the warrant tonight, closing it on June 10, with the special to be held on Tuesday, June 29. There is a risk that petition articles could be received. The Planning Board indicated they would not file zoning articles at this time. The Board had no opposition to the Town Manager's suggestion. Ms. Lemoine asked about the possible change of date from June 29 to June 30.

Mr. King announced the appointment of Sarah McClennan as the new Conservation Commission Administrator. Ms. McClennan will be on board in July.

Mr. King announced that Bill Merriam, Conservation Commissioner, has just completed the MACC course on Conservation and was thanked for his dedication and congratulated for his achievements.

Mr. King announced that Lew Colten's trial recently ended. Mr. Colten was found guilty of violating a town by law and fined. He was found innocent of larceny charge.

Mr. King discussed the school's request to use the Jonathan Maynard School for administrative offices. Mr. King noted that the Maynard Building is not immediately available since several tenants hold leases. Mr. Franchi, Precinct 15, pointed out that the School Department is renting storage space in the Dennison complex. Mr. King offered the Roosevelt School for storage and with a small expenditure fee, they will be transferred.

SELECTMAN'S REPORTS:

Mr. Kahn reported that the Memorial Day observances were impressive and Mr. Davitt should be congratulated.

Mr. Kahn mentioned that the Board was in receipt of a communication from MetroWest Medical that indicated that the Town of Framingham could suggest two community representatives for the MetroWest Advisory Board.

Mr. Kahn submitted a memorandum to the Board regarding proposed revisions to the Nuisance By-Law. Serious considerations have developed about protecting neighborhoods and homes against creeping blight and hazardous conditions. Mr. Kahn produced photographs with examples of such blight. He asked the Board to submit the re-draft to the Building Commissioner, Public Health Administrator and Town Counsel, receive comments, submit to Government Study Committee and possibly send to TM

Moved re refers prop draft by-law to above for comments at their earliest convenience so we can look at the whole proposal. Seconded by Ms. Mulvey.

Mr. Petrini thanked Mr. Kahn and asked about common law nuisance. Mr. Kahn stated that common law was amorphous and the by-law changes would supplement it. Impact on the private right of So voted, unanimously. Dr. Hopkins raised some questions about the red lined copy. Mr. Kahn stated he would distribute all the by-laws.

Ms. Mulvey stated that the senate budget did not include money for the Learning Center for the Deaf.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Petrini, to send a letter to Senator Magnani asking him to lobby to support funding of \$350,000 for the Learning Center for the Deaf which was left out of the budget. So voted.

MBTA budget-financial oversight removed. Ms. Mulvey was concerned that riders do not have a large voice.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Petrini, to request the rationale from our State Representatives as to why they voted to remove fiscal oversight from the MBTA Advisory Board. Additionally, the Board would like to know if the Senate is going to support the removal of fiscal oversight. So voted.

Mr. King thought the rationale might be that having financial oversight to a broad based group is detrimental to bonding..

Ms. Mulvey announced that the League of Women Voters was sponsoring fund raiser at Staples, Inc. to be held on June 6. Martha Coakley will be the keynote speaker. Tickets are \$25 per person.

Mr. Petrini discussed the meeting of June 17th. He asked if the Board could change the meeting night.

Mr. Kahn asked for the Downtown Manger to report to the Board.

Mr. Kahn mentioned concerns about delinquency of payment of taxes. He would like to screen the list of parties delinquent in taxes against those who hold licenses and permits. Mr. King did report that notices of foreclosure have gone out. Mr. Kahn noted that once the property is foreclosed the town owns the property and receives proceeds.

Mr. Sisitsky announced Flag Day events.

ACTION ITEMS:

The Board approved the Executive Session minutes of May 11, 1999 and the open and Executive Session minutes of May 20, 1999.

MOTION:

Moved by Ms. Mulvey, seconded by Dr. Hopkins, to table approval. So voted.

MOTION:

Moved by Dr. Hopkins, seconded by Mr. Petrini, to table action on the open session minutes of May 20, 1999. So voted.

MOTION:

Moved by Dr. Hopkins, seconded by Mr. Kahn, to approve the Executive session minutes of May 20, 1999. So voted.

CONCURRENCE OF CFO APPOINTMENT:

MOTION:

Moved by Mr. Kahn, seconded by Ms. Mulvey, to appoint Mark Rees to the position of CFO for a term of three years. So voted, unanimously. Mr. Kahn would like to extend the Board's thanks to Mr. Rees for his excellent revenue projections. There will be no pay increase.

Mr. Valadares came before the Board to ask for permission to use Farm Pond for a youth festival in July. Lt. McCarthy raised an issue about parking and a plan has been developed to satisfy any concerns.

APPROVAL OF USE OF FARM POND FOR BOY SCOUT FESTIVAL:

MOTION:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to approve the use of Farm Pond on July 17 and July 18 in accordance with the restrictions imposed by the Police Department. So voted.

APPROVAL OF ONE DAY PERMIT - FRAMINGHAM STATE COLLEGE - JUNE 12 & JUNE 13:

MOTION:

Moved by Ms. Mulvey seconded by Mr. Petrini, to approve the one day permit for Framingham State College. So voted.

Dr. Hopkins questioned whether the license was for beer and wine or all alcohol. The intent was for an all alcohol license.

APPROVAL OF ONE DAY SPECIAL LICENSE-VILLAGE HALL - SEPTEMBER 18 & 19:

MOTION:

Dr. Hopkins had questions about who was responsible for the service of alcohol.

MOTION:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to approve the petitioners request. Four in favor, Dr. Hopkins opposed.

Moved by Ms. Mulvey, seconded by Mr. Petrini, to adjourn at 10:50 p.m.

  
ESTHER A.H. HOPKINS, CLERK