

SELECTMEN'S MEETING
JUNE 10, 1999

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

Mr. Sisitsky called the meeting to order at 7:40 p.m. and reviewed the agenda for the viewing public.

Public Participation:

Tom O'Neil, Precinct 8, spoke about the re-establishment of the Open Space Committee. He requested that a member from the Standing Committee on Planning and Zoning be appointed to this committee. T. Buff Franchi, Precinct 15, spoke about the Weld Street /Habitat for Humanity proposal. He was opposed to donating the land.

Conference - Residents of Barber Road:

Mr. King reported that Framingham State College has begun construction of a new facility located on the top of Barber Road. The town is recommending that jersey barriers be erected at the site to mitigate construction traffic. Ms. Levy, Barber Road, presented a resident petition supporting the placement of barriers. Mr. King reported that administrators at Framingham State College were willing to try this plan to improve traffic flow to the school. Mr. Hardy, resident, spoke in opposition to the project, noting there were serious safety concerns involved with the current proposal. He said that permanent jersey barriers are an eyesore and he would strongly object to their erection.

Kevin Karas, resident, stated that the proposed solution was not permanent, but the initial short term impact is acceptable to the majority of the residents. Mr. Karas would like the town to indicate what they will do to help coordinate safety efforts.

Mr. Alfano, resident, reported that he and his neighbors were united in their effort to ensure resident safety.

Mr. Delaney, Barber Road resident, stated that the college was very cooperative and he hoped the town would support the request. He did note that the general contractor should meet with sub-contractors to decrease traffic problems.

Ms. Mulvey would like the Town Manager to coordinate the project. Mr. King said that he was made aware of the situation and was working with the Police Department.

Mr. Sisitsky thought it appropriate that the Board take a vote on the erection of the barriers and then arrange for meetings with the college, the neighbors, State Representatives, etc.

MOTION

Moved by Mr. Kahn, seconded by Ms. Mulvey, to instruct the Police Department to see that jersey barriers are placed across the end of Barber Road. Three in favor, Mr. Petrini abstained.

Mr. Kahn pointed out that the State Department of General Facilities should be invited to any meetings that impact the college. He also noted that the impact of closing off Barber Road should be investigated, and a long term right of way created in favor of the college.

Water and Sewer Rate Conference:

Mr. King stated that the balance in the water and sewer enterprise fund is between \$250,000-\$300,000, reflecting a significant decrease. This decrease is cause for concern.

The Department of Public Works recommended a reduction in the amount of the base charge, an expansion of base charges to each multi-dwelling unit, annualization of tier break points, and a separate residential rate category.

The recommendations of both Mr. King and Mr. Rees were as follows:

- Change to quarterly billing
- Adoption of a shut off policy
- Change in delinquent penalties
- Bill only to the owner

Since new software to implement utility billing will not be available until August, Mr. King is not recommending adoption of the new rate structure until January 1, 2000. During the first six month of FY00, utility billing will continue using the rate structure currently in place. The positive features of adopting the new rate structure include an expanded base charge and annualized tier billing. Some concerns include tier 1 elimination in the "all other" category, and the economic impact of the rate increase to the "all other" category.

Mr. King recommended that the Board accept in principal the new rate structure, target January 1 as implementation date, adopt interim rate for 1st half of FY00, review policy issues over the next three months, and schedule rate and policy hearing in November of 1999 for FY00 rates.

PROPOSED INTERIM RATES:

1	3.65	3.77
2	5.26	5.62
3	6.82	7.45

DISCUSSION:

Mr. Sisitsky asked how much of the increase is attributable to increases in MWRA rates. Mr. Skinner stated that a 5.1% or a \$540,000 increase in water charges from the MWRA is really pushing the increase. Mr. Sisitsky asked if base charges could be reduced instead of hitting large apartment complexes so hard. He also noted that a true enterprise fund does take depreciation into consideration and he would like this topic reviewed.

Ms. Mulvey asked about the base charges and tiers. Mr. Skinner explained that one base charge would be paid based on all the meters in the dwelling. Ms. Mulvey noted that the charges were developed for equity.

Mr. Petrini asked if the Board of Public Works (BPW) was in favor of the town's proposal.

Ms. Esty stated that she did not agree with the coverage of the shortfall. Mr. Petrini asked for a memo from the BPW to help with the deliberation process.

Ms. Esty said that she thought the BPW had arrived at consensus and expressed concern with the current proposals. Mr. Petrini asked what feedback had been received from the business community relative to the new rates. Mr. Dickson, Public Works Commissioner, said that the proposal was not necessarily equitable but generally fair. Mr. Petrini asked if the proposed splits in the water rate were on par with the split tax rate. Mr. Dickson said there was not nearly the discrepancy that existed in the tax rate. Mr. Petrini asked how much was in the in the water and sewer funds, and asked what was recommended by the Chief Financial Officer. Mr. Rees explained that the Board made a policy decision to keep 5% in retained earnings as a shortfall. He reported that the sewer budget will have an ominous deficit which created a sense of urgency for the adoption of an interim rate proposal.

Ms. Esty questioned the elimination of base rates with regard to equity for the rate payer. Mr. King said if the base charge was eliminated, the combined tier rate would be \$4.12. This year the rate is \$3.65. With combined tiers, the rate will be \$3.77. Currently, apartment owners pay no base rate. Mr. King stated that for the long term stability of the computer system, the town would prefer to stay away from three systems in one year. The level of inequity is a judgment call. The rate structure has been stable for five years.

Mr. Kahn said that unless it is the position of the Town Manager that the views of the Commissioners are irrelevant, he would like a written response from the BPW addressing the changes. He raised two points. One concerned where in the proposed rates provisions were made for high strength users. Ms. Esty said the high strength user charge was separate and billed to the user. Breyer's Ice Cream receives this charge due to the high fat content of their waste. The Commissioners would like to bring the high strength user charges to the state for further discussion. Mr. Kahn would like the Commissioners to give very serious weight to this problem and stated that it was very important to keep business here.

Secondly, Mr. Kahn stated that he was distressed to see no proposal for residents and businesses to have the opportunity to appeal the charge on their bills. Ms. Esty stated that the topic was being reviewed.

Mr. King noted that determination on the water rate structure was a policy decision that should be made by the Selectmen.

Mr. Sisitsky asked for a status report on the growth of irrigation meters and how this growth is effecting conservation of water. Mr. Skinner reported that users of irrigation meters are paying at the highest water rate.

Mr. Petrini mentioned the shut-off policy. He stated he was more favorable of a lien with interest accruing rather than the shut-off policy. Mr. Petrini was concerned with protections for the elderly. Mr. Rees stated that there is currently \$800,000 outstanding in delinquent water and sewer bills.

Mr. Sisitsky asked for a calculation of the high strength rates spread across the board.

PUBLIC COMMENT:

Mr. Reilly, Standing Committee on Public Works, expressed concerns about the inability to implement a billing system and felt that incorrect information was a serious problem for taxpayers. Mr. Reilly will work with the Town Manager to expedite the process.

Mr. Schmeidler expressed concerns about meter reading as a basis of billing.

Steven Marcus, Esq., raised a question as to whether the base charge during the interim period was to be applied to all condo owners. Mr. King stated it was not.

Mr. Crowley, of Breyer's Ice Cream, stated that the new plan represented a \$31,000 per year increase. Breyer's Company made a presentation regarding retail rates. His presentation indicated that Framingham was one of the highest towns on a percentage basis for water charges.

Tom O'Neil, addressed the concern of the fixed income consumers requesting that the Board undertake a study on the impact on fixed income families. He asked what percentage of the total amount billed is delinquent. Mr. Rees stated it was 6%. Mr. O'Neil would like to know how much of delinquent money is commercial or residential.

Mr. Franchi and Ms. West questioned the base rate charges. Mr. King stated that the proposed rate is \$2.80 times the number of units.

Mr. Dickson asked for an average business rate as opposed to marginal rates. Mr. Petrini would also like this information.

Mr. Welte, Chamber of Commerce, pledged the Chamber's efforts to work on the proposals and hoped for conservative interim rates.

Ms. Goodwin, Mass Finance Agency, said that a base charge for every apartment was inequitable.

Mr. King said a public hearing will be scheduled at a future meeting, possibly July 22nd. Mr. Kahn suggested that the Board set a deadline for material on July 8 and refuse to entertain documentary material the night of the hearing.

Selectman's Reports:

Mr. Petrini said that he attended a meeting at the Boy Scout Nobscoot Reservation and praised the site as an asset to the community. He urged the town to retain the property as open space. Mr. Petrini stated that Framingham High School is opening the computer language lab on June 17. The funding for the lab was supplied by Computer Associates.

Mr. Petrini announced that there will be a reception on June 18, for Father Drinan, former Congressman from Massachusetts. Mr. Petrini plans to present Father Drinan with a proclamation on behalf of the Board.

Mr. Petrini stated that he heard reports that Chief Smith had been very helpful to the Town of Sherborn and wanted to compliment him for his mutual aid effort.

Ms. Mulvey reported that the Celebration weekend was wonderful and Betty Matarazzo and the committee did an excellent job.

Ms. Mulvey announced that she had attended the Hispanic Writing Awards Ceremony given for Patricia Sanchez.

Town Manager's Report:

Mr. King stated the Contract for Blue Cross requires the Town Manager's signature, however, he would like the approval of the Board before signing. Mr. Kahn asked Mr. King if he had read the report and was satisfied. The Town Manager said he had not read the report from cover to cover, but was satisfied with the recommendation of the consultants. Mr. Sisitsky asked why the town was signing a contract for calendar year 1998 and asked how payments were authorized to Blue Cross. Mr. King said payments were made under the extension of the 1997 contract. Mr. Kahn requested an Executive summary of the contract before it is signed.

Mr. King stated that National Development of New England has sent the town a check for \$200,000 as provided in their TIF agreement, however payment to Albanese Construction Company is still being reviewed.

Mr. King re-appointed Kathy McCarthy as Director of Information Services. He noted that Ms. McCarthy's re-appointment lends stability to the Town. Mr. Sisitsky asked about the Munis Company and its possible buyout. He wondered if the sale of company would have any effect on the sale of the software?

Mr. King announced there would be a Las Vegas Night held in Nevins Hall on June 11 to benefit Hollis Street Community Center.

With regard to Rosewood Corporation, Mr. King reported there is a major problem. The latest issue is that Avery/ Dennison is not allowing Rosewood tenants to use their parking lots. Simultaneously, Mr. King has been investigating the status of the Clinton Street lot which is owned by the town.

Mr. King stated that Dennison has been less than cooperative with the Rosewood project. Mr. King recommended that we inform Avery/ Dennison to stop parking on Clinton Street, thus freeing up spaces for Rosewood tenants. Mr. Petrini supported the recommendation, but would like a letter from Town Counsel. Mr. King stated that he has the appropriate documentation from Town Counsel. Mr. Sisitsky asked how many parking spaces were available and about Dennison's threat to turn off the water in the Rosewood buildings. Mr. Sisitsky asked about the threat to turn off the water. Mr. King reported that some of the buildings are hooked up to town water.

Ms. Mulvey suggested that the town contact the Salvation Army for parking. Mr. Kahn would like Mr. King to determine what the problems were. Mr. King will investigate the subject. The Town Manager felt the need to alert Dennison of the town's ownership of Clinton Street. Mr. Sisitsky supported Mr. King's recommendations.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Petrini, to take immediate action to inform Dennison not to park in the Clinton Street lot in view of the immediate emergency parking situation. So voted.

Special Town Meeting:

Mr. King presented the Selectmen with the warrant for a Special Town Meeting scheduled on June 30, 1999. Article 1 and 2 would allow for authorization for parking leases with CSX and Republic Plumbing. Article 3 would allow for a change in the length of the term of appointment for Director of Public Works from an indefinite term to a three year term. Article 4, submitted by the Town Moderator, deals with the mechanics of reconsideration of any article by Town Meeting. Mr. Kahn would like the text of the motion of Article 4 as part of the warrant. He felt the issue was sensitive and the proposal must be part of the article. Mr. Sisitsky did not feel that all the wording was necessary on the warrant. Mr. Petrini agreed, stating that background material is provided to Town Meeting members, however, he was opposed to a June 30 Town Meeting which he felt was untimely. Mr. Kahn noted if general articles were used, we should eliminate specific wording on Articles 1 & 2.

Mr. King stated that if the Town had any chance to obtain parking, Town Meeting must authorize the Board to enter into any lease agreements. Mr. King stated that the opportunity to lease land for parking was of an emergency nature.

Ms. Mulvey felt that a Town Meeting on June 30 was very difficult, however, agreed that the necessity to provide parking in the downtown area was an emergency.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Sisitsky, to open the warrant for the Special Town Meeting of June 30. So voted.

ARTICLE 1 - to see if the Town will vote to authorize the Board of Selectmen to enter into a lease or license agreement with CSX Corp. for the use of a parcel of land located south of Waverly Street and known as the South Wye.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Petrini, to sponsor Article 1. So voted.

ARTICLE 2 -to see if the Town will vote to authorize the Selectmen to enter into a lease or license agreement with Republic Plumbing Supply for the use of a parcel of land located at 478 Waverly Street.

MOTION:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to sponsor Article 2. So voted.

Mr. King agreed with Mr. Kahn regarding the placement of a general lease agreement article on the warrant.

ARTICLE 3 - To see if the Town will vote to authorize the Board of Selectmen to enter into a lease or license agreement for the use of a parcel or parcels of land located in the vicinity of Waverly Street.

MOTION:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to sponsor Article 3. So voted.

ARTICLE 4 - to see if the Town will vote to amend the bylaws of the town, Article I, Section 1.1, by changing the term of office of the Director of Public Works from "indefinite" to "three years."

MOTION:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to support Article 4. So voted.

ARTICLE 5 -to see if the town will vote to amend the Town bylaws Article III, Section 1.6.1.3 governing reconsideration.

MOTION:

Moved by Mr. Kahn, seconded by Ms. Mulvey, to place Article 5 on the warrant for the Special Town Meeting. So voted. Mr. Petrini opposed.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Petrini, to close the warrant. So voted.

ACTION ITEMS:

Approval of amended minutes of May 11 and May 20, 1999.

MOTION:

Moved by Mr. Petrini, seconded by Mr. Kahn, to approve the amended minutes of May 11, 1999. So voted.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Kahn, to approve the amended minutes of May 20, 1999. So voted.

Approval of one day license for Tracey/Deluca wedding, June 19.

MOTION:

Moved by Mr. Kahn, seconded by Ms. Mulvey, to approve the one day license for the Tracey/Deluca wedding on June 19. So voted.

Approval of one day license for Framingham Improvement Association

MOTION:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to approve the one day license for the Framingham Improvement Society function to be held on June 18. So voted.

Approval of one day license for Suburban Club on June 27.

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Petrini, to approve the one day license for the Suburban Club on June 27. So voted.

Approval of entertainment license for Bras-Carnes Restaurant, 16 Irving Street.

MOTION:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to approve the entertainment license for the Bras-Carnes Restaurant, 16 Irving Street. So voted.

UNFINISHED BUSINESS

Mr. Kahn raised the issue of appointments. Mr. King felt that candidates should be allowed the opportunity to speak. Mr. Kahn thought the candidates should be interviewed. Mr. Petrini disagreed and felt it was up to the candidate whether he wished to speak. Mr. Kahn felt the appointments were significant and an interview should be held. Mr. King will make a recommendation on June 24. Ms. Mulvey would like to limit public participation the night of appointments and suggested written input instead.

Mr. Kahn asked that Town Counsel's re-appointment be addressed. Mr. Petrini stated he was not prepared to make a decision on the re-appointment in the next two weeks. The Board would like a recommendation from the Town Manager.

The Downtown Manager will be invited to the meeting of June 24 and submit a report in writing.

Ms. Mulvey noted that Dr. Hopkins was out of town, therefore they did not meet to discuss the Open Space Committee. Ms. Mulvey said she would like a representative from Parks and Recreation, the Planning Board, and the Conservation Commission along with representatives of the legislative committee to serve on the committee. Ms. Mulvey would like those representatives to be recommended by their respective Boards and not by the Selectmen. She would also like to recommend that there be five community representatives with each Selectman suggesting one member. Ms. Mulvey suggested that the Open Space Committee work with the staffs of the Planning Board and Planning Department to help formulate legislation. Ms. Mulvey suggested discussing the topic at the work session since the work involved in formulating the committee was extensive. She would like Representative Stasik be appointed to the Open Space Committee. Basically, Ms. Mulvey's proposal was the expansion of one more board and the elimination of specific names.

Mr. Kahn was opposed to taking any action until Dr. Hopkins had reviewed her suggestions with Ms. Mulvey. Mr. Petrini suggested moving forward on the matter and notifying Dr. Hopkins that the Selectmen had simply added some names to the proposed committee. Mr. Kahn felt it unfair to take a vote without input from Dr. Hopkins. Mr. Sisitsky suggested taking a vote and delaying implementation of action until Dr. Hopkins could confer with Ms. Mulvey. Mr. King will help with the groundwork. The decision of the Selectmen was to have Mr. King start the groundwork and contact the various committees involved and take action at the work session.

MOTION:

Moved by Mr. Petrini, seconded by Ms. Mulvey to move into Executive Session for the purpose of discussing litigation on two cases; Miles/Richardson and JMD Holdings. A roll call vote was taken with all Selectmen voting in the affirmative.

The Board returned to public session at 12:05 a.m. for the purpose of adjourning.


ESTHER A.H. HOPKINS, CLERK