

SELECTMAN'S MEETING
AUGUST 26, 1999

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

Mr. Sisitsky called the meeting to order at 7:30 p.m. and reviewed the agenda for the viewing audience.

PUBLIC PARTICIPATION:

Charles Grew, Precinct 11, addressed the Board regarding Framingham State College's plan to hold courses at the Danforth Museum. He was concerned that Danforth Museum was receiving rent from Framingham State for classroom space. Mr. King was instructed to investigate this matter.

Robert O'Neil, rose to discuss the Dennison project. He encouraged the Selectmen to expedite the process for the developers in order to foster the development of the downtown area. The Selectmen were asked to comment on this topic. Mr. O'Neil also discussed the possible development of a deer park in the vicinity of Wittenborg Woods. T. Buff Franchi, Precinct 15, spoke to the Selectmen about a recent editorial in the MetroWest Daily News. The editorial related to funding the Hollis Street Community Center by using money from the Weld Street property.

TOWN MANAGER'S REPORT

GOALS AND OBJECTIVES

Mr. King reviewed the final format of the FY 2000 goals listed below: Included in the goals were suggestions made by the Selectmen. Additionally included for review was a letter from Robert Joy, Human Resources Director with suggestions on how to implement the merit pay raises for the Town Manager as they relate to mutual goals.

Goal One

To implement the joint budget resolution adopted by the Board of Selectmen, School Committee and Finance Committee by complying with all provisions for the benefit of the FY 2001 budget process.

Goal Two

To direct the operation of the town in a customer service oriented fashion by emphasizing professionalism, communication and efficiency for the benefit of the residents and taxpayers of Framingham.

Goal Three

To develop a merit based pay system for division heads for implementation on July 1, 2000 by adopting a new performance evaluation system for the purpose of increasing the effectiveness of professional performance evaluations and pay allocation.

Goal Four

To review all Town owned real property by inventorying and evaluating existing parcels for the purpose of efficient use or proper disposition if warranted.

Goal Five

To promote downtown revitalization by continuing existing efforts and developing new initiatives where necessary for the purpose of restoring social and economic vitality to downtown Framingham.

Goal Six

To develop and implement a continuing education program by offering relevant training and development programs to managerial level employees for the purpose of professional development and success.

Dr. Hopkins would like a general statement on the goals mentioning that the Manager should do what he felt was necessary in order to keep the town running efficiently. Mr. Kahn did not necessarily agree and felt that Goal Two covered the substance of Dr. Hopkins' suggestion.

MOTION

Moved by Mr. Kahn, seconded by Ms. Mulvey, to adopt the goals submitted by the Town Manager and make them the official goals for the upcoming year. So voted, unanimously.

PARKING COMMITTEE PROGRESS REPORT:

Mr. King reviewed a report from the Planning Department which summarized ongoing efforts to solve some of the on-street parking problems created by downtown employees. Two downtown property owners have agreed to provide 55 spaces in order to mitigate the parking space shortage. If the spaces are not filled, they will be eventually offered to commuters. The town will not own or manage the spaces. The Town Owned Building Department will help coordinate the parking list in order for the two property owners to expedite the rental process. Mr. King also pointed out that parking enforcement was not a revenue collection process. He stated that the Police Department will be strictly enforcing the two hour parking limit. Mr. King noted that the Hollis Street area presented very serious parking problems.

Mr. Sisitsky asked if the Board needed to take action on the offer proposed by Mr. Fitts and Mr. Perry. He asked for clarification as to how their proposal would change the current use of the lots. Mr. King stated that the spaces would be allocated as reserve spaces for downtown business personnel. Mr. Kahn said that the spaces will be made available to downtown employers and employees. After thirty days, any spaces not rented will then be offered to commuters. The only role the town will play is to respond to questions arising about renting spaces. Mr. Kahn stated that major discussion occurred about the need for downtown parking restriction enforcement. Secondly, he felt both fine and towing charges should be reviewed. Mr. Kahn would like Ms. Bartolini to gather information about enforcement, ticketing, towing charges, and the fine schedule. Mr. Sisitsky thought that Downtown Solutions should be commended for their efforts.

MOTION:

Moved by Mr. Kahn, seconded by Ms. Mulvey, that the Selectmen express their appreciation to Messrs. Fitts and Perry, and request the Town Manager to look into issues of enforcement of parking including ticketing, towing charges and the fine schedule. So voted unanimously.

Town Manager's Report

Mr. King announced that the town had received a grant in the amount of \$4000 from the Department of Environmental Management. The funds are to be used for the construction of the Saxonville Nature Trail. No additional local match is required. Mr. King would like the Board to authorize him to sign the contract.

MOTION:

Moved by Ms. Mulvey, seconded by Dr. Hopkins, to authorize the Manager to sign the contract. So voted, unanimously.

MBTA - Mr. King reported that he met with Mr. Conley, a representative of the MBTA who indicated that the commuter rail platforms will open in April.

Mr. King asked for direction from the Selectmen as to how they would like fall Town Meeting handled. At this point, a number zoning articles are anticipated. Mr. King stated that there is a by-law on the books requiring fall town meeting to be called by November 1. Mr. Sisitsky suggested holding one town meeting late in the season in order to incorporate both zoning and budget articles. Mr. King recommended the week of November 15 as a possibility.

HEARING - CHANGE OF MANAGER - ANJALI INDIAN CUISINE CORPORATION - 94 UNION AVE.

Representatives of the Anjali Indian Cuisine Corporation came before the Board to request that the present Manager be changed from Surgit Sing Bajwa to Joseph M. Reynolds. Mr. Reynolds is a naturalized citizen and his background check indicated no court appearances. Mr. Reynolds has completed the TIPS course.

MOTION:

Moved by Ms. Mulvey, seconded by Dr. Hopkins, to approve the petitioner's request. So voted, unanimously.

HEARING - TRANSFER OF ALCOHOL LICENSE, POLLY ESTA'S TO BOSTON BUFFET, LLC. - 220 WORCESTER ROAD:

Paul Galvani, Esq., representing Boston Buffet, LLC. came before the Board to request a transfer of the all-alcoholic beverage restaurant license issued to Framingham Entertainment Center, Inc. d/b/a Polly Esta's. With Mr. Galvani was Warren Chu, designated Manager and Robert Bendetson, owner of the building at 220 Worcester Road and Richard Yee, owner of the Lotus Blossom in North Andover. Mr. Kahn suggested tabling action until representatives from Polly Esta's were available. Mr. Galvani stated that Polly Esta's lease was terminated in December of 1998 and they were no longer subject to the jurisdiction of the Board of Selectmen. Polly Esta's signed a transfer application.

Mr. Kahn noted that the town entered into an agreement with Polly Esta's. Said agreement obligated Polly Esta's to hold an event at the club and donate 50% of the proceeds to the town. Mr. Kahn considered this agreement an obligation against that license and felt the Board had the option of not acting on the transfer of the license until the obligation was satisfied. He felt the Selectmen really needed to show they were serious about the event which gave rise to the disciplinary proceeding against that license.

Mr. Galvani felt that the new applicant would be punished by such a delay. He stated that the town had no control over Polly Esta's as they are now located out of state and have not done business in town for almost eight months.

Mr. Bendetson, property owner, stated he had been actively working to eliminate Polly Esta's from the town. Mr. Sisitsky said that a percentage of proceeds was required from Polly Esta's as part of their punishment for violating the liquor laws. Mr. Kahn suggested that the Selectmen notify Polly Esta's that we intend to schedule a hearing to revoke the license. Mr. King noted that Polly Esta's owners might benefit by the transfer as they are to receive \$4750 for their license. He felt this might be a good negotiating tool. Mr. Kahn complimented Mr. King on this line of thinking.

MOTION:

Moved by Mr. Kahn, seconded by Ms. Mulvey, to continue the hearing on Boston Buffet, LLC. until September 16 and schedule a public hearing to revoke Polly Esta's liquor license. So voted, unanimously.

HEARING - TRANSFER OF ALL-ALCOHOL BEVERAGE RESTAURANT FROM UNION HOUSE INC. TO FILIPPO DARIO RESTAURANT GROUP, INC.

Peter Barbieri, Esq., representing Philip R. Ottaviani, came before the Board to request a transfer of an all alcohol license from Union House Inc., to Filippo Dario Restaurant Group, Inc. The restaurant is located on Waverley Street. Mr. Ottaviani is the sole owner of the property. The plan is to re-open the restaurant with full service banquet facilities. Mr. Ottaviani is TIPS certified. Mr. Sisitsky asked if the bankruptcy court approved the transfer. It has. Mr. Kahn asked for a copy of the approval of the sale by the bankruptcy court. He felt that the Union House should re-open, however there is an ongoing problem of back due taxes. A previous agreement with the town indicated that there would be a 20% payment of real estate taxes were due at license renewal time and continued payment forthcoming. A report from the Treasurer's Office indicates that about \$137,000 is owed on water, sewer and back taxes at the Union House Restaurant.

Mr. Barbieri noted that the Ottaviani family has had financial difficulties and experienced problems continuing with the agreement. He went on to say that his client stands ready to bring past due taxes current as well as water and sewer bills. Correspondence signed by the trustee indicates a commitment regarding payment of all taxes on the licensed premises when the license is picked up. The approval of the license would give the town more power according to Mr. Ottaviani.

Mr. Kahn thought the suggestion was viable but would like to be sure of what amount the town will receive. He noted that there were overdue taxes in the amount of \$28,000 on the Iguana Cantina which is a property owned by the trust. Mr. Barbieri stated that all taxes on 672 Waverley Street will be brought current. For clarification, just the taxes on 672 Waverley Street will be paid upon receipt of the license. Town Counsel indicated that it was unclear if the Board had the right to consider additional premises owned by the same entity that owns the licensed premises.

MOTION:

Moved by Mr. Kahn, seconded by Ms. Mulvey, to approve the transfer subject at this point only to receipt of a satisfactory letter of agreement from Mr. Barbieri's client with respect to the arrangement to pay the taxes and stating that if the license is approved by the ABCC, said license will be held until all delinquent prior year taxes, current taxes and the water and sewer bill are paid on the premises at 672 Waverley Street. So voted, unanimously.

Dr. Hopkins asked what was different with the current agreement. Mr. Barbieri noted that there was an infusion of cash. Additionally the town will be holding the license until the taxes are paid.

SELECTMAN'S REPORTS

MOTION:

Moved by Ms. Mulvey, seconded by Mr. Kahn, to send letters to Rep. Stefanini, Stasik and Senator Magnani requesting their support the full funding for the Chapter 90 funds. Additionally, support the \$100,000 funding for the Hollis Street Fire Station should be included in the budget. So voted, unanimously.

Ms. Mulvey noted that MetroWest Growth Management will be sending out surveys concerning local priorities.

Ms. Mulvey announced that the Framingham Flyers will be playing Newton North at Boston College Stadium on September 17th at 7:00 p.m.

Mr. Kahn reported that there was a productive meeting at Framingham State College this past week. He predicted a new era of cooperation between the town and Framingham State. An ongoing problem is overcrowding in homes and apartments leading to health hazards and irresponsible behavior.

Mr. Kahn noted that the Nuisance By-Law revisions have been reviewed with regard to enforcement. He hoped the amended by-law would be included on the fall town agenda. Mr. Sisitsky requested discussion of the proposals before the Town Meeting.

Mr. Kahn announced that Representative Stasik has met with the owners of Peter Pan Bus Lines and has negotiated parking for commuters at the General Cinema site.

Mr. Kahn discussed the Zoning Board of Appeals hearing last week resulted in a controversy over use of rooms. He would like Mr. King to negotiate room space. Mr. King has plans to have Mr. Egan build a new conference room in lower Nevins Hall to mediate the situation.

Mr. Kahn would like an update on the status of the Permanent Building Committee dispute. Mr. King asked if action was required by him. Mr. Kahn would like both a status report on the Ethics Commission and a definition of the adequacy of responsibility for the Cameron School project. Ms. Marino thanked Mr. Kahn for his work on the Nuisance By-Law.

Mr. Sisitsky invited the public to an open meeting on September 2, Ablondi Room, to meet with the Tercentennial Country Fair Committee. Mr. King said that the Tercentennial Fair would be the event of the century and include a carnival, tents, fireworks, elephant rides, etc. Anyone interested in working on the committee should contact Kathy McCathy at 875-1556 for information.

Dr. Hopkins discussed Representative Stasik's plan with Peter Pan Bus Lines. She noted that the bus service was available on Rt. 9 and asked that the public frequent this service.

Ms. Mulvey reminded the Board that the minutes should be reviewed prior to the meeting in order to allow for corrections.

ACTION ITEMS: - Minutes tabled

Approval of minutes of July 22, 1999 and August 12, 1999

MOTION:

Approval of One Day Special License for Tia-O'Brien Wedding at Village Hall.

MOTION:

Moved by Ms. Mulvey, seconded by Dr. Hopkins, to approve the One Day Special License for the Tia/O'Brien wedding to be held at the Village Hall on October 16, 1999. So voted, unanimously.

Approval of licenses for Blue's Festival - August 28, Bowditch Field

MOTION:

Moved by Ms. Mulvey, seconded by Dr. Hopkins, to approve the One Day Special License and the Entertainment License for the Blue's Festival to be held at Bowditch Field on August 28, 1999. So voted, unanimously.

Approval of use of Nevins Hall on March 22, 1999 by Programs for People: Mr. King reviewed the request by Programs for People for use of Nevins Hall on March 22, 2000. The applicant has requested a waiver of the usual rental fee and have asked only to pay for custodial, police and fire fees.

Current Nevins Hall policy does allow the Board to waive the fee for non-profit corporations. Ms. Mulvey supported granting a fee waiver. Mr. Egan, Town Owned Buildings Director suggested charging a reduced fee. Mr. King concurred with Mr. Egan and felt a nominal fee should be charged. He recommended charging a flat fee of \$100-200 per hour. Mr. Sisitsky recommended charging 50% of the hourly fee.

MOTION:

Moved by Ms. Mulvey, to charge Programs for People a nominal fee of \$30 per hour for use of the hall. Seconded by Dr. Hopkins, however no action was taken.

DISCUSSION

Dr. Hopkins asked if the Board was saying they would charge the same fee for all non-profits. Mr. King stated he would notify the applicant that the hall would be rented to them, and will come back to the Board with a recommendation as to the hourly fee to be charged for all non profits. This item will be discussed at the next Selectman's Meeting.

Request by Agnes Esty for re-appointment to Metropolitan Area Planning Council.

MOTION:

Moved by Ms. Mulvey, seconded by Dr. Hopkins, to appoint Agnes Esty to the Metropolitan Area Planning Council for a three year term. So voted, unanimously.

Ms. Mulvey would like clarification of the effective date of Ms. Esty's term.

REVIEW OF CORRESPONDENCE

Mr. King reviewed a letter from Lieutenant McCarthy concerning an alcohol sting at seventeen licensed establishments. Lt. McCarthy's letter indicated that alcohol was sold to minors at three of these establishment. An updated report will be sent to the Selectmen. The three offenders were Super Liquors, Dom's Market and MetroWest Tropical Foods.

MOTION:

Moved by Ms. Mulvey to move into Executive Session to discuss ongoing litigation, the contract with CSX and collective bargaining and return to open session for the purpose of adjourning. So voted.


ESTHER A. H. HOPKINS, CLERK