

SELECTMAN'S MEETING
SEPTEMBER 9, 1999

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

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

Public Participation

No public participation this evening.

Hearing - The Liquor Store - Transfer of All Alcohol Retail License to Rt. 30 Wine and Spirits, Inc. - The request for a transfer of the all alcohol license was withdrawn.

Hearing - Bickford's Family Restaurant - Change of Manager from Kevin Landry to Scott Cote: Scott Cote and Joe Egan, representatives of Bickford's Family Restaurant came before the Selectmen to request a change of Manager at their Cochituate Road location. Mr. Kahn asked Mr. Egan what happened to the former Manager and when it happened. Mr. Egan stated the actual change of Manager took place two months ago. Mr. Kahn noted that the town needed to know who the Manager was and when the change occurred. He asked for cooperation in the future. Mr. Petrini requested that instructions be placed on liquor license renewals outlining the appropriate steps necessary for a change in Manager and indicating that all changes should occur in advance. Mr. Cote stated that he is TIPS certified.

Motion:

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

Hearing - RCN/BECO Com. LLC. - Installation of Telecommunication Conduit:

Barry Maffini, Right of Way Manager for RCN, came before the Selectmen to request permission for the installation of telecommunication conduits on the following streets: Lyman Road, Pleasant Street, Elm Street, Driscoll Drive, Church Street, Mayflower Circle, Vose Street, Harrington Road and Knight Road. RCN was recently awarded a contract to provide cable television service to the town. RCN's request was approved by Mr. Bertorelli, Director of Public Works. Mr. Bertorelli stated that the locations were subject to field inspection and RCN's work has been first class. Mr. Kahn asked for a status report from BECO as to reasons for the delay in getting up and running. Mr. King will obtain the information for the Board. Mr. Petrini asked for a brief update from Mr. Maffini. RCN hoped to have a large portion of the town ready for service by the end of the year. Dr. Hopkins asked if maintaining the conduits meant that the streets would be dug at various points in time. Mr. Maffini explained that access to the conduits would be done through manholes whenever possible. Dr. Hopkins asked about the list of names submitted to the Board. Mr. Maffini explained that the list of names were abutters. A resident of Mayflower Circle expressed concern about confusion on his address.

Motion:

Moved by Mr. Petrini, seconded by Dr. Hopkins, to approve the petitioner's request to install telecommunication conduit on the following streets: Lyman Road, Pleasant Street, Elm Street, Driscoll Drive, Church Street, Mayflower Circle, Vose Street, Harrington Road and Knight Road. So voted, unanimously.

Hearing - Bell Atlantic - Pole on Park Street:

Mr. King explained that Chris Parella, Rights of Way Manager with Bell Atlantic, could not be present. Mr. King noted that a guy wire was necessary for the pole in question, however placement of this wire requires agreement from the property owner, Park Street Baptist Church. The owner of the property has not been contacted. Mr. King recommended tabling the hearing. Mr. Sisitsky stated that the town could not give permission to erect poles on private property. Mr. Bertorelli said that if permission was not obtained, it might be necessary to put the wire on the right of way. Dr. Hopkins asked why a pole would be placed on the opposite side of the street instead of its current location.

Motion:

Moved by Mr. Kahn, seconded by Dr. Hopkins, to table the hearing until the issue is straightened out. So voted, unanimously. The hearing will be held on September 23, if possible.

Town Manager's Report:

Danforth Museum:

At the request of the Selectmen, Mr. King reviewed the Danforth Museum's policy of renting rooms to Framingham State College for use as graduate school classrooms. At this point, the issue is moot as both classes have canceled. Mr. King noted that the issue might arise again and the town needed to make a value judgment on the subject. The agreement between the Danforth and the town is mutually beneficial, however, Mr. King suggested the wisest approach would be to enter into a formal lease that delineates the agreement between the town and the museum. Mr. Sisitsky noted that the Danforth Museum did expend funds for maintenance and he felt they should be entitled to raise revenue. Dr. Hopkins asked what the arrangement was between the Danforth and the School Department. Mr. King will investigate further.

FY 2000 Budget:

Mr. King reported that the FY 1999 books were closed and final projections relative to the FY 2000 budget were being reviewed. Some adjustments have been made to revenue projections, however, the bottom line is still largely unknown pending the outcome of the State budget standoff. Mr. King stated that there was substantially more expected in lottery aid, but revenue projections were down. It is imperative that the State budget is received before finalization of the FY 2000 budget. The longer the town goes with the State budget stalemate, the more difficult it will be to send out tax bills by December 31. The FY 2001 budget is being reviewed and a six million dollar deficit is still anticipated. Mr. King noted that there was a 5% salary increase built into that budget.

With regard to the budget resolution, consolidation studies are being reviewed. Additionally, three other services are being reviewed for service: trash pick-up, privatization of bus drivers and privatization of custodial services. Custodial services is a difficult subject to review but progress is being made.

A regional conference regarding State funding and its fairness is planned in Ashland on September 25, 9:30 - 1:00. Mr. King recommended that the Board attend this seminar.

911 Problem:

Mr. King reported that on Monday, September 6, the Police Department began receiving all 911 calls originating with cell phones in eastern Massachusetts. There was some switching problem that caused these calls which normally go to the State Police Headquarters to go to the Framingham Police Department. The Framingham Police Department capably handled the large volume of calls received during that period.

Brownlea Road Sewer Issue:

Mr. King explained that a sewer manhole broke causing sewerage to flow into the Cochituate Brook. The sewer department worked diligently to repair the leak, however, a good deal of sewerage did get into the brook causing understandable concern in the neighborhood. There were no health hazards posed by this leak and the recent rainfall has solved most of the problems. Mr. Sisitsky asked this topic to be on the agenda as newspaper reports indicated that the town did not respond appropriately. Mr. King noted that Public Works had done an excellent job to remedy the situation.

Summer Concert Series:

Mr. King thanked Mr. Egan for his continued effort to make the concerts a successful community event and complimented Mr. Egan and his crew.

Polly Esta's:

Mr. King reviewed the background surrounding the night club. He reported that he had spoken to Attorney Paul Galvani and related the parameters the town expected in order to approve the transfer. Mr. Galvani felt the terms were unacceptable and that Kent Management would be uncooperative. Mr. King spoke with Michael Kent indicating the town had concerns regarding the unfulfilled promise to hold an event from which one half of the proceeds would be donated to charity. Mr. Kent told the Manager that such an event would have raised only a small amount of money and that since they were out of business, he did not intend to comply. Mr. King conveyed the improbability of the Board agreeing to the transfer of the liquor license given the outstanding issues pertaining to the entertainment license and informed Mr. Kent that the town would be starting the revocation process. After some negotiation, Mr. Kent agreed to make a \$2000 payment to satisfy the obligation. Mr. King told him the town would require \$4,000 and Mr. Kent refused.

Ultimately, Mr. Galvani called and stated that Mr. Kent agreed to the \$4,000 payment. The payment will be directed to the Framingham Education Foundation and Partners in Education. Mr. King recommended that the Board proceed with the consideration of the license transfer. Mr. Sisitsky stated that the action had been tabled and a public hearing was scheduled to revoke Polly Esta's license. Mr. King stated that he would request a letter from him outlining the conditions necessary for the transfer.

Motion

Moved by Mr. Kahn, seconded by Dr. Hopkins, to indicate to the appropriate parties that we accept the offer of \$4000 for the outstanding amount due from Polly Esta's and will move forward with the transfer hearing on September 16. So voted, unanimously.

CSX Lot:

Mr. King provided the Selectmen with financial projections relative to the proposed commuter lot on Waverley Street. The town expects to obtain 71 spaces at approximately \$70 per month. He indicated that the anticipated net income from the lot is \$2,370 monthly. The town will be required to pay taxes on the lot. Mr. King noted that funding of capital costs is still up in the air. It is his hope that the MBTA will pay all construction costs, however scheduling of the approval has become a problem and does not appear imminent. If they are not able to approve the funds in a timely manner, the town will have to decide if we want to pay for the capital costs ourselves or put the project off until spring. Other costs associated with the project are indirect such as plowing and parking enforcement. Mr. King stated that the town could pay for construction costs which would be \$30,000-\$50,000.

Another option would be to park on gravel during the winter, however this is not the best solution. CSX was willing to put the final agreement off until the spring. Mr. Kahn asked about numbering as he thought stickers would be used. Mr. King said that both systems would be used. Mr. Kahn mentioned two related issues needing attention. He asked about enforcement of parking restrictions and questioned whether the police were fully on board with respect to exacting compliance. He suggested a policy statement from the Selectmen. Secondly, Mr. Kahn wanted a review of the private towing charges.

Mr. King stated he would be meeting with Captain Carl and noted that there would be a review of the allocation of police resources. As far as towing, the town uses private towing companies which charge about \$90 per tow. He will investigate the cost for the Board. Mr. Kahn wanted the rates reviewed and questioned why only cash was being accepted by some of these towing companies. Mr. King felt that many of the issues mentioned occurred in private lots. Dr. Hopkins asked if there were several companies who towed. Mr. King will investigate. Mr. Sisitsky thought maximum fees were set by the DPU. Mr. Sisitsky noted that once the lease was signed the town was obligated to pay the lease.

Mr. King thought the CSX lot could be utilized as a gravel lot. Dr. Hopkins asked if commuters would be willing to pay \$65 per month for a gravel lot. Mr. King felt that they would.

Historic Commission

Mr. King reported that the Historical Commission recently met with Rosewood Development Company regarding the Dennison project. The Commission agreed to release the moratorium, in part, on Building 2 and the developer has agreed to a facade easement on several other buildings. Mr. King noted that the Historical Commission has been responsive to the needs of the developer while still trying to maintain historical landmarks in Framingham. The project is moving forward in a positive way.

Selectman's Reports:

Mr. Petrini reported that he had recently attended an MCLE conference regarding Brownfields legislation enacted in Massachusetts and how municipalities can use this legislation to encourage redevelopment and rehabilitation, particularly in Economic Target Areas. Among other provisions the legislation allows communities to grant tax abatements in certain circumstances and to apply for state and federal grants to foster development and growth.

Mr. Petrini stated that he felt Framingham should take the initiative in using this legislation as a development tool to revitalize and beautify areas such as the downtown. He said that Framingham had the highest number of contaminated sites in the area. The legislation would lessen the liability for developers who were taking over contaminated sites.

Motion:

Moved by Mr. Petrini, seconded by Mr. Kahn, to request that the Town Manager, in conjunction with appropriate town officials, investigate the potential use and applicability of the Brownfields Legislation in Framingham and report to the Board. Included in this report should be the number of Brownfields properties that would qualify as Brownfields, whether those properties are in Economic Development Areas or Economic Target Areas (he would like a chart), a recommendation from the Chief Financial Officer as to whether the town should implement the municipal tax credit, and generally what steps we should take under the legislation. So voted, unanimously.

Mr. King stated that he was uncertain that all Brownfields could be identified. He would report back on the list relative to the development of these sites. One particular possibility was the Commonwealth Gas Site. A brownfield is generally a contaminated site where the cost of developing the site may well exceed the benefit of developing the area. Dr. Hopkins stated that some sites could be cleaned up enough for industrial use if the area was partially cleaned and encapsulated.

Action Items:

Approval of minutes of July 22, 1999 and August 8, 1999.

Motion:

Moved by Dr. Hopkins, seconded by Mr. Petrini, to approve the open session minutes of July 22, 1999. So voted, unanimously.

Motion:

Moved by Dr. Hopkins, seconded by Mr. Kahn, to approve the Executive session minutes of July 22, 1999. So voted, unanimously.

Motion:

Moved by Dr. Hopkins, seconded by Mr. Kahn, to approve the open session minutes of August 12, 1999 with a minor amendment. Dr. Hopkins asked that the sentence relating to the nomination of Robert Edwards be moved and placed in the paragraph with other nominees. So voted, unanimously.

Motion:

Moved by Mr. Petrini, seconded by Dr. Hopkins, to approve the Executive session minutes of August 12, 1999. So voted, unanimously.

Approval of Drug Court Contract Award - \$400,000 for two years

Sam Swisher, Community Development Coordinator, stated that Framingham is the recipient of the Department of Justice Grant and fiscal conduit of it. Represented by the Planning Department, the Town will function in partnership with the South Middlesex District Court, the District Attorney's Office, local Bar Association, Probation Department, Schools, and Police. The purpose of the program is to reduce the high percentage of repeat crimes committed by non-violent substance abusers who never get adequate treatment for addictions. The Trial Court, Framingham Division had 640 adult narcotics-related cases filed in 1997, a sixty percent increase from 1990. The program will be directed by the Court, and all court sessions will be held there. The program will be a highly structured, 48 week activity split into three phases each lasting 16 weeks:

The review committee unanimously recommended that Advocates, Inc. be awarded Drug Treatment Services. The committee members include Michael Fabbri, Assistant District Attorney, Steve Trask of the Framingham Police Department, Nancy Brody, Attorney and President of the Middlesex Bar Association and Tom Delaney, CEO of Boston A.S.A.P., Inc. Mr. Sisitsky asked what would happen to the program when the grant was expended. Mr. Swisher stated that there are other federal funds being earmarked for the continuation of drug courts. Dr. Hopkins asked who had the authority to enter into the contract. Mr. Swisher stated that this was a significant detail to be worked out and the signatory to this grant was a previous Town Manager. Dr. Hopkins asked what the RFP said about the signatory. Mr. Swisher stated that the RFP allowed whatever signatory was most appropriate to enter into the contract. Mr. King said there was some confusion about who was administering the grant. Mr. Swisher stated that a municipality was encouraged to administer the grant. Mr. King felt that a contract of this size should require the approval of the Board of Selectmen. The screening committee was selected through consultation with the court and the Planning Department, however, the Selectmen and the town did not choose the committee. Dr. Hopkins asked if any member of the committee had conflicts.

Mr. Swisher noted that care was taken to make sure there were no conflicts. Dr. Hopkins asked if there was assurance that the RFP covered all specifications. Mr. Swisher felt that appropriate care was taken with the RFP and he did not receive any feedback that the process was unfair.

Motion

Moved by Dr. Hopkins, seconded by Mr. Kahn to ratify the contract. No action was taken.

Mr. Kahn wanted to make certain that the Planning Department functioned as an arm of the community rather than an independent body. Mr. Swisher stated that Mr. Marcoux had arrived at the decision to pursue this grant. Mr. Kahn asked what was entailed in administering the grant. Basically, its administration requires fiscal management of the grant and insurance of compliance with Federal regulations. Responsibility to ensure certain agreements are met and equal opportunity guidelines are also required. With respect to compliance with Federal guidelines, Mr. Kahn asked who on the staff was an expert in this field. Mr. Swisher stated that he was an expert in this area and felt the town had the foundation to proceed. Mr. Kahn asked how much the town would receive for administration. Mr. Swisher stated the town would receive 9% of the grant which could then be placed in general revenues. Mr. Kahn hoped that a fair allocation of the administrative costs could be worked out with the Town Manager. Mr. Sisitsky noted that the value to the Advocates was around \$200,000 and asked for a break down of remaining funds. Mr. Swisher stated there would be a grant manager who would receive \$30,000 per year.

Some money will be budgeted for formal evaluation of the grant. An employee of the town would not be used to manage the grant. Mr. Petrini would like financial overviews presented in the future and requested that the Selectmen be given the opportunity to review future grants with regard to policy. Mr. Petrini expressed concern about potential conflicts of interest and asked if administration fees received would be sufficient to reimburse the town for its efforts in coordinating the grant. Mr. Petrini asked if the town was protected with regard to any incidents that might arise. Mr. Swisher will place a clause into the contract with the help of Town Counsel. Mr. Petrini asked if there was a time urgency to vote on the contract as he felt the Town Manager should implement some policy with regard to grants. Mr. King agreed with the Selectmen. Mr. King asked about the relationship of Advocates and Spectrum Health Care. Mr. Swisher explained that Spectrum would only provide discreet units of service given to a client and was merely a treatment resource. Dr. Hopkins asked what the town had to pay out before money was returned by the government. Mr. Swisher explained that the town made payments and automatically reimbursed itself within forty-eight hours. All invoices go through the same process as all town bills. Dr. Hopkins asked if the grant was coming out of the Federal 2000 budget. Mr. Swisher stated that the money was appropriated in 1997 and the period of performance will be extended. Dr. Hopkins asked if there was a written agreement that the money will be available. Mr. Swisher did not feel there would be a problem relative to funding.

Motion:

Moved by Mr. Petrini, seconded by Dr. Hopkins, to table action on the Drug Court Grant and come back in two weeks, with the following information. A receipt of a written statement from the Federal government (or Mr. Swisher's contacts,) stating that funding will be available, a written breakdown of the allocation of the funds and where the moneys are going, and a written statement from Town Counsel that the listing of Spectrum as one of the potential providers in this grant is going to have no adverse impact on our litigation against Spectrum. So voted, unanimously.

Tom O'Neil rose to question where the treatment facility would be. Mr. Swisher stated that court sessions would take place at the courthouse and treatment services would be offered at 27 Hollis Street. The program is drug free and a new way of coordinating services in the community.

Approval of One Day Special License - St. Tarcisius

Motion:

Moved by Mr. Petrini, seconded by Mr. Kahn, to approve the one day special alcohol license requested by St. Tarcisius. The date of the event is September 18. All servers trained in the proper service of alcohol. So voted, unanimously.

Approval of stop sign request - Hemenway and Whittemore

The Safety Committee investigated the request of local residents for the installation of a stop sign on Whittemore at Hemenway Road. The Engineering Department has studied this intersection and found that a safety issue exists for motorists because of the volume of traffic and the limited sight distances due to vertical and horizontal curves and existing vegetation. The Committee recommends the installation of a stop sign at the above mentioned location. The installation of the stop sign does not directly affect any of the traffic concerns of neighbors on Gregory Road. Bill Curley, resident, asked for the Board to table this recommendation due to ongoing traffic problems in the Gregory and Hemenway Road. Mr. Sisitsky asked why speed bumps were not put on Gregory Road. Mr. King was asked to re-double the enforcement effort on Gregory Road. Mr. Sisitsky felt the stop sign should be approved and the police efforts re-doubled.

Mr. Kahn felt the town had a chronic problem in enforcing speed limits. He noted that there was an incredible amount of traffic in the area and the town needed to do more to mitigate the problem. Mr. King will update the Board. Mr. Kahn wondered if it was necessary to redesign the intersection. Mr. Bertorelli stated that the Public Works Department will not proceed with the reconfiguration of the intersection at this time.

He went on to say that the stop sign on the road was not proposed to solve problems on Gregory. Other residents complained about the speeding issue. Mr. Kahn requested that no Public Works projects proceed until the traffic situation is mitigated.

Motion:

Moved by Dr. Hopkins, seconded by Mr. Petrini, to approve the recommendation of the Safety Committee to erect a stop sign at the intersection of Whittemore and Hemenway Road.. So voted, unanimously.

Moved by Mr. Kahn to go into Executive session for the purpose of discussing collective bargaining and litigation and reconvene in open session to adjourn.

Moved by Mr. Kahn, seconded by Mr. Petrini, to adjourn. So voted at 11:00 p.m.

ESTHER A. H. HOPKINS, CLERK