

**SELECTMEN'S MEETING  
NOVEMBER 18, 1999**

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

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

Mr. Sisitsky requested a moment of silence to honor Ted Wlodyka, former police officer who passed away today.

**Public Participation**

Ed Noonan, Chairman of the Capital Budget Committee, rose to speak to the Board about the Permanent Building Committee. He expressed concern regarding the construction of the town kennel. Mr. Noonan noted that funding for reconstruction of the kennel was denied by Town Meeting, however \$59,000 has been expended to date for an architectural study. Mr. Noonan was distressed about the large expenditure for the architectural study and requested an update on the status of the project. He reported that kennel construction bids opened this week and the lowest bid was over \$700,000. Additionally, Mr. Noonan stated that the CFO has received only three sets of minutes from the PBC, thus they are in violation of town by-laws.

Mr. Petrini suggested placing the topic on the agenda to allow all parties involved to participate in the discussion. Mr. Sisitsky agreed and requested that the Town Manager set up an appropriate meeting to discuss the topic. Ms. Mulvey asked for a follow-up on the reporting format of the Permanent Building Committee.

Mr. King felt that the town should focus on the issue of kennel reconstruction. Secondly, Mr. King would like some information about the expenditure for the architectural study. Finally, the actual role of the Permanent Building Committee should be examined.

Beth Bannon rose to discuss the use of the funds appropriated by Town Meeting. She also pointed out that the size of the kennel had been changed.

**Hearing – RCN/Beco Com. – Telecommunication Conduit:**

Richard Berg, representing RCN, came before the Selectmen to request permission to lay and maintain underground conduits and manholes on the following streets: Wild Oak Rise, Brook Street, Flagg Drive, Oaks Road, Belknap Road, Winthrop Street, Franklin Street, Cochituate Road, Union Avenue, Old Worcester Road, Waverly Street, Nicholas Road, Edgell Road, East Overlook Drive, Dinsmore Avenue, Western Avenue, Water Street, Granite Street, McCarthy Circle, and Salem End Road. Overlook Drive East and McCarthy Circle were withdrawn from the petition.

Mrs. Esty asked when the work was planned since weather conditions might prevent laying hot top. Mr. Sisitsky stated that all necessary permits would be required. Bob Devlin, Overlook Drive East and a resident of McCarthy Circle rose to protest construction.

**Motion:**

Moved by Ms. Mulvey, seconded by Dr. Hopkins, to approve the petitioner's request with the deletion of Overlook Drive East and McCarthy Circle. So voted, unanimously.

**Hearing – Applebee's Northeast, Inc. - Change of Manager:**

Barry Gerstein, representing Applebee's Northeast, Inc. came before the Board to request a change of manager from Hugh McPhee to Joseph P. Maher, II. Mr. Maher's CORI record indicated a juvenile offense, however Lt. McCarthy had no objection to his appointment as manager. Mr. Maher is certified in the responsible service of alcohol.

Mr. Sisitsky asked if Mr. Maher assumed responsibility as the manager. He has. Mr. Gerstein stated that his company tried to comply with the conditions set by the Board, however timing did not always allow for this process to take place. Dr. Hopkins noted that the vote to replace the manager occurred on October 19th. Mr. Sisitsky would like the town to be notified when a manager is changed. Mr. Maher plans to receive his TIPS server ID.

Motion:

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

Hearing – Tennessee's Real BBQ – Change of Manager:

Representatives from Tennessee BBQ came before the Board to request a change of manager from Jerry Nepomuceno to Danny Ward. Lt. McCarthy indicated that Mr. Ward had one court appearance in 1986, however went on to recommend approval of his application. He further recommended that Mr. Ward successfully complete an Alcohol Server Training program. Additionally, the Lieutenant suggested that all employees of the restaurant receive their TIPS certification. Mr. Ward planned to comply. Mr. Sisitsky would like all license holders to notify all servers to register with the Framingham Police Department. Dr. Hopkins asked who was running the operation. Mr. Bara has been the manager. He was not aware the Selectmen needed to be notified.

Motion:

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

Hearing – Berkshire Grill – Change of Manager:

Barry Young, from the Berkshire Grill, came before the Board to request that he be appointed manager. Mr. Young's CORI report indicated no court appearances. Mr. Young is a certified TIPS graduate. Mr. Sisitsky asked how many servers had ID's. Mr. Young felt that at least 75% were trained.

Motion:

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

Conference – Tom Gilchrist, Director of Libraries:

Mr. Gilchrist came before the Board with the Board of Trustees to review the five-year plan for Framingham's Libraries. He reported that previous goals presented for review have been achieved and community outreach was continuing to occur. The use of the Internet in the public library has increased dramatically, along with literacy programs and staff reclassification.

Mr. Gilchrist did note however, that Framingham was 24th out of 30 libraries with regard to per capita expenditure. He felt that 2% of the municipal budget should be allocated for the library budget.

Mr. Gilchrist stated that he and his Board planned a modest renovation of the McCauliffe Library to meet the demand in that branch. The five goals set for the library over the next few years are as follows:

- Popular Material Library
- Independent Learning Center
- Formal education support
- Literacy promotion
- Community Activities Center

Mr. Sisitsky asked how the library had adapted to Internet use and whether some research material could be eliminated. Mr. Gilchrist explained that Internet service was helpful in reducing directory types of reference material. Dr. Hopkins asked if the library's Internet service was used for research on state bids. It is. Dr. Hopkins asked how "baby-sitting" of latch-key kids was handled. Mr. Gilchrist stated that youngsters were allowed to be in the library if they abide by library rules. Mr. Petrini stated that libraries reached many residents and complimented Mr. Gilchrist. Ms. Mulvey also commended Mr. Gilchrist and his staff. Dr. Hopkins discussed page 41 of the report regarding trust funds. She encouraged Mr. Gilchrist to investigate the possibility of consolidating trust funds to maximize income receipts.

Closing of Town Meeting Warrant:

Mr. King presented the Selectmen with the warrant for the Special Town Meeting scheduled on December 14, 1999. There are currently nine articles proposed.

1. TIF agreement - Dennison
2. Change in by-law for water and sewer billing
3. Acceptance of state statute on water liens
4. Appropriation for Tercentennial Commission
5. Re-organization of administrative branch of government
6. Budget
7. Lower Nevins hall build-out
8. Sign bylaw amendment
9. Feasibility study of town owned buildings

Motion:

Moved by Ms. Mulvey, seconded by Dr. Hopkins, to accept all nine articles for the Special Town Meeting and close the warrant. So voted, unanimously.

Mr. Petrini requested a language check on the TIF article

Hearing – Water and Sewer Abatement:

Mr. King reviewed the final proposed draft of the water and sewer abatement policy. He mentioned that the suggested revisions from recent work sessions have been incorporated in tonight's draft.

Mr. Rees reviewed grounds for abatement which include the following provisions: unexplained excessive recording, billing errors, incorrect meter reading, miscalculation, etc. Other components of the plan include provisions for adjustment of sewer charges as well as adjustments due to late filing for Elderly Discount.

Further discussion revolved around the procedure for submission of applications for abatement, requests for adjustments and appeals to Utility Abatement Review Board.

Mr. Rees noted a correction made to the draft policy stating that a time frame will be incorporated in steps 1 and 2. He planned to add the following language, "Failure to submit an appeal within 30 days will result in denial of appeal."

Motion:

Moved by Mr. Petrini, to adopt the Abatement Policy on first reading with Mr. Rees' amendment to the second to last page. Seconded by Ms. Mulvey and so voted, unanimously.

The policy will take effect immediately.

Discussion

Mr. Dickson, Board of Public Works, stated that the wording and structure of the document needed clarification. Frank Reilly, Board of Public Works, also requested time for public input. He asked what comprised billing periods.

Mr. King addressed some of Mr. Reilly's concerns and was willing to consider putting a limit on step 2.

Mrs. Esty, Commissioner of Public Works, stated that the Commissioners had not received any of the abatement materials and would like the opportunity to comment on the proposal. She hoped the lines of communication would be open between the new Director of Public Works and the Board of Public Works. In addition, Mrs. Esty requested that the Commissioners be included in the policy development process.

Mr. King stated the draft policy was discussed in public at open meetings. Tonight's draft was just completed on November 9th. Mr. King has been striving to keep the Public Works Department informed.

James McCann, Precinct 14, complimented the Board about the process used. He requested that the abatement policy be provided in large type for visually impaired.

Conference – FY00 Budget, Town Manager and Chief Financial Officer:

Mr. King stated that last spring a large deficit was reported to Town Meeting. Additional funding from the state has mitigated some budget concerns, however the town has suffered almost a million dollar loss in excise tax revenue.

Mr. King reviewed his memorandum to the Board outlining the budget issues facing the town in fiscal year 2000 and in the future. Only \$182,301 will need to be appropriated from the stabilization fund to balance the FY00 budget. The required teacher pay

deferral repayment for FY00 is \$198,958 increasing the "non-borrowed" value of the stabilization fund by \$16,000. Presently, the fund has a balance of \$3,534,592 with \$2,387,494 earmarked to offset the town's teacher pay deferral obligation. Each year a debit is taken on the accounting sheets of \$198,000. This year there will be a minor addition of \$16,000 to the stabilization fund.

The current fiscal year is in relatively good shape. Future projections, however, remain disturbing with a five million dollar deficit projected. Mr. King felt there was a reasonable possibility to shorten the deficit in the next months. Increase in revenues due to new building may not come to fruition. Other sources of revenues may also decrease. Mr. King believes the long-term solution should come in the form of adequate and predictable State assistance. A new and favorable Chapter 70 formula would do much to achieve this goal.

Health insurance expenses continue to be a budget problem as does education funding. Health insurance is currently 10% of the municipal budget.

Mr. Rees referenced the revenue increases for FY00 provided by the State in the form of Chapter 70 funds, reimbursement for Learning Center for the Deaf tuition's and supplemental lottery aid. Additional educational aid necessary to balance the budget is awaiting the approval of the Governor.

In the category of expenses, Mr. King noted that \$175,000 is recommended for the purchase of new police cruisers. This area has been under-funded in recent years and should be rectified with the addition of 7-8 new cruisers. Three other unusual items have been added to the budget: \$173,000 to pay for the increased trash disposal rate per ton, \$90,00 to pay for the legal settlement and \$25,000 to pay for Tercentennial celebration activities in 2000. Mr. King recommends trash collection policy considerations in the future.

Revenue projection for excise tax receipts was much higher for FY99 than actual income. FY99 closed out nearly \$1,000,000 short of projections. FY00 was projected to be \$500,000 higher than FY99 compelling a reduction of estimates by over \$800,000. The remainder of anticipated revenue was relatively close to projected figures. The town should not depend on increases in excise and new growth property taxes for additional revenue. These are unreliable sources of income and, should either dip unexpectedly, the result would be substantial fiscal strain.

Mr. King concluded by stating the town is in adequate financial shape for FY 2000. The future is not as satisfactory. The CFO's projections show increasing deficit beginning next year. His projections, although conservative, have proven to be accurate in the past and may be relied upon with reasonable assurance. Action must be taken to build more systemic guarantees for the town's fiscal health.

Mr. Sisitsky asked about potential increases in health insurance fees. Mr. Kings stated that there would be no specific increases since we are self-insured.

Motion:

Moved by Ms. Mulvey, seconded by Mr. Petrini, to endorse the administration recommendations for balancing the FY 2000 budget. So voted, unanimously.

Town Manager's Report – Towing Contract:

Mr. King reviewed the history of a questionable bill for services rendered by Kim's Towing. He does not believe the bill as originally submitted was within the parameters of the contract the company has with the town. Kim's Towing resubmitted a bill with minor revisions. Under the circumstances, Mr. King does not think it in the best interest of the town to renew the contract with Kim's Towing. He recommends instead that the town continue its two towing contracts on an interim basis and re-advertise for a new contract that provides additional protection to the town and the consumer. Specifically, Mr. King would like to see provisions for an audit procedure that allows the town to ensure compliance with the rates offered, allows for payments other than cash, and gives incentive for the companies to bid rates lower than the DPU allowances.

Mr. Petrini asked about proposals solicited by Mr. Landry for towing services. He also asked if the current towing companies were willing to continue service to the town. Mr. King felt that they would. Ms. Mulvey asked if the Selectmen could review the Request for Proposals. Mr. King encouraged the Board to review any RFP.

**Motion:**

Moved by Ms. Mulvey, seconded by Dr. Hopkins, to approve the Town Manager's course of action to re-bid the towing-contract. So voted, unanimously.

Mr. King requested that there be a joint meeting the Selectmen, Finance Committee and School Committee on December 9th.

Mr. King announced that the South Wye lot will be paved tomorrow and parking will be offered to the public on December 1st. The monthly rate will be \$80.

Mr. King noted there was a large fire on Gregg Street last week. He complimented both the fire and police departments for their outstanding work.

Joan Webster, Human Relations Director, is retiring on December 6th. The position will be advertised after Thanksgiving. Mr. King stated he planned to search for an Interim Administrator. Mr. Joy, Human Resources Director is knowledgeable with regard to the Americans With Disabilities Act and will be covering that aspect of the job.

With regard to the DPW watchmen, the night positions will be discontinued.

**Selectmen's Reports**

Ms. Mulvey reported that she attended the Metropolitan Area Planning Council meeting last week. The Metro West Growth Management Committee is in the process of determining whether they wish to hire a new director. Ms. Mulvey announced that the Metro West in the Millennium meeting would be held at the Village Hall on November 24<sup>th</sup>.

Downtown Solutions held a farewell coffee for Dot Fitch who is moving out of Framingham. Ms. Mulvey publicly thanked Ms. Fitch for all her work on behalf of the Community.

Callahan Senior Center recently held an awards banquet. Lou Merloni, Boston Red Sox star, distributed awards to the seniors.

Mr. Sisitsky and Ms. Mulvey attended the opening session of the Chamber of Commerce banquet. Irene Schmidt of MetroWest Bank and Congliario Industries were honored by the Chamber.

Ms. Mulvey announced that the eighth annual holiday tree lighting ceremony will be held on Friday, December 3<sup>rd</sup> on the steps of the Memorial Building.

Mr. Sisitsky reported that he attended a seminar discussing by open meeting law. The program was sponsored by District Attorney Martha Coakley. He was happy to report that the Selectmen comply with this law.

Dr. Hopkins stated that attended a ceremony held by the Brazilian Consulate. She reported that Framingham has the largest Brazilian population in New England.

Dr. Hopkins announced that this week is "Reading is Fundamental Week."

Dr. Hopkins raised the topic of property on Salem End Road owned by the Sons of Mary Order. There is a possibility that the Department of Youth Services may house a program for wayward girls on this site. Dr. Hopkins has received calls from some neighbors expressing some concern about the placement of the facility. The Selectmen and Town Manager have been asked to investigate the matter. Mr. King said that the Department of Youth Services took over the building this past July. At this point, DYS has been cooperative, but Mr. King will continue to follow-up and try to exert public pressure. Mr. Petrini asked about potential zoning issues. The facility is state owned.

Mr. Petrini attended a reception at the Danforth Museum held this evening and will participate in the Reading is Fundamental Program.

**Action Items:**

Approval of amended minutes of October 7, 1999 and minutes of October 14, 1999.

Motion:

Moved by Mr. Petrini, seconded by Dr. Hopkins, to approve the amended minutes of October 7, 1999. No action was taken.

Motion:

Moved by Ms. Mulvey, seconded by Mr. Petrini, to approve the open session minutes of October 14, 1999. Three in favor, Dr. Hopkins abstained.

Motion:

Moved by Ms. Mulvey, seconded by Mr. Petrini, to approve the executive session minutes of October 14, 1999. So voted, Dr. Hopkins abstained.

Approval of Contract – Texas Inmate Phones:

Mr. King asked the Board for their authorization to allow him to sign a contract between the Town of Framingham and Texas Inmate Phones. This agreement takes effect January 3, 2000, between the Town of Framingham acting by its Police Department to install and maintain inmate coin less telephones. There will be no cost to the town. The town will receive 10% of the revenues. Mr. Petrini asked about the offer of 50% commissions. The 50% only applies to five-year contracts. Mr. Petrini questioned the placement of an indemnity clause in the contract, however the Board did not feel that this was an issue. Mr. Petrini was not in favor of the service. The rate for a local call is \$3.10.

Motion:

Moved by Ms. Mulvey, to authorize the Town Manager to sign the contractual agreement with Texas Inmate Phones. Seconded by Dr. Hopkins. Three in favor, Mr. Petrini opposed.

Approval of Contract – MBTA Service Agreement:

Mr. King presented the Selectmen with the service agreement between the MBTA (LIFT 7) and the Town of Framingham. He requested the Board's approval of this agreement.

Motion:

Moved by Ms. Mulvey, seconded by Mr. Petrini, to approve the service agreement between the MBTA and the Town of Framingham. So voted, unanimously.

Approval of Bonfire Permit:

Ms. Mulvey reported that the bonfire is well ordered and controlled. Both police and fire departments have issued their approval.

Motion:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to approve the request of the Park and Recreation Department to hold a ceremonial bonfire at Bowditch Field on November 24, 1999. So voted, unanimously.

Fee Waiver – Framingham Historical Society:

The Framingham Historical Society has requested a waiver of the liquor license fee for its Millennium Ball to be held on December 31, 1999 at the Village Hall.

Ms. Mulvey expressed regrets that all parties were not held at the Memorial Building.

Motion:

Moved by Mr. Petrini, seconded by Dr. Hopkins, to approve the request of the Framingham Historical Society for a waiver of the liquor license fee. So voted, unanimously.

Review of Howard Apartment request re: Maynard Road:

Mr. King reviewed a request presented to the Selectmen regarding the request of the Howard Apartment complex to lease a portion of Maynard Road. Town Counsel indicated that, if the Board plans to move forward with the lease, the town should determine the value for the parcel in question. The Selectmen can decide what restrictions, if any, they wish to impose in any lease. Mr. King recommended that the Board proceed and lease this strip of land. The Selectmen will have the opportunity to review the lease and all appropriate boards will have input.

Motion:

Moved by Ms. Mulvey, seconded by Mr. Petrini, to proceed with the lease process. So voted, unanimously.

One Day Special License – Danforth Museum

Friends of the Danforth Museum requested a one-day special license for the service of alcohol on November 26, 1999, for the Danforth Museum Art Concert.

Motion:

Moved by Ms. Mulvey, seconded by Dr. Hopkins, to approve the request of the Danforth Museum for a one-day special permit on November 26, 1999. Three in favor, Mr. Petrini abstained.

Moved by Mr. Petrini, seconded by Ms. Mulvey, to move into Executive session for the purpose of discussing collective bargaining, one non-bargaining issue, health insurance, a Department of Public Works labor review and a legal settlement. So voted unanimously, by roll call.

  
ESTHER A. H. HOPKINS, CLERK