

SELECTMEN'S MEETING

December 16, 1999

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

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

Signing – Agreement – Town of Framingham and Public Employee Bargaining Committee:

Mr. King noted that the Town of Framingham has not had a health care agreement for two years. He then introduced members of the Public Employee Bargaining Unit who had come before the Selectmen to publicly sign the Health Care Agreement. They included Danny Nau, Sue Wallace, Robert Foley, Sandy Merloni, and John Magri. Ms. Wallace and Mr. Foley complimented Mr. King for his efforts. Mr. King thanked Mr. Rees, Ms. Mulvey and the members of the town bargaining team.

Hearing – Tax Classification – Michael P. Flynn, Chief Assessor:

Mr. Flynn, Bill Figler, Arthur Holmes, and Mark Rees, CFO, came before the Selectmen to review the FY00 Revaluation and set the tax rate for fiscal year 2000.

Mr. Flynn reported that the value for an average single family home was up 16% with a median family sale price of \$189,000. The average condominium value increased 17%, while an average two and three family home was up 20%. The overall apartment building value increased 16% and the overall commercial value is up 21%. On the whole, the industrial value is up 11% resulting in R class increase of 17.02% with a CIP class increase of 15.38%.

Mr. Flynn reviewed for the Board the Town's average household tax data for FY2000. There are 13,037 single-family parcels. With a tax rate of \$16.13, the average tax bill will be \$3,205.18. This reflects an average change of \$159.77 or 1.05%. This tax rate is based on a 1.47% shift. Mr. Flynn presented the Selectmen with various tax shift scenarios.

New growth in Framingham, as reported by Mr. Flynn is as follows:

Residential	37.89%	tax rate	\$17.82
Commercial	32.82%	tax rate	\$32.48
Industrial	15.40%	tax rate	\$32.48
Per. Prop.	13.89%	tax rate	\$32.48

Town Average Commercial Tax Data:

1999	Tax Rate	\$32.48
	Average Tax Bill	\$27,369.52
	Average Bill Change	2,923.15
	Percent Change	11.96%
2000	Tax rate	\$29.31
	Average Tax Bill	\$29,940.72
	Average Bill Change	2,571.20
	Percent Change	9.39%

Mr. Flynn, with the approval of the Board, was recommending that the FY00 tax rate be set at \$16.13 for residences and \$29.31 for commercial properties.

Discussion

Dr. Hopkins asked if the shift was an arbitrary number. Mr. Flynn said that the shift is 1.47% of the commercial tax dollars of the town. Applying the shift changes the commercial levy to 42%. Mr. Petrini thanked Mr. Flynn and noted he received no negative calls regarding the tax rate.

Motion:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to maintain the current tax split of 1.47% for FY 2000. So voted, unanimously. The new tax rate will be \$16.13 for residential, and \$29.31 for commercial.

Mr. Flynn thanked the Board for their support. He was complimented roundly.

Conference – MWRA – Proposal for Sulfide Limits:

Present were Kevin McManus, Nancy Etele and Tom Lindberg from the MWRA. They came before the Board of Selectmen to describe the agency's proposal for sulfide limits in calendar year 2000 municipal permits. Ms. Etele gave a history of the corrosion of sewers and outlined the dangers present with hydrogen sulfide gas. The MWRA proposal includes sulfide limits for Ashland, Framingham and Natick in their calendar year 2000 municipal discharge permits.

The proposed courses of action discussed in the staff summary are: 1. Add a new limit on sulfides in the MWRA municipal permits for Framingham, Ashland and Natick; 2. Industrial Discharge Permit limits on BOD and Sulfates; 3. MWRA Chemical Addition at the Framingham Pump Station. The MWRA's presentation focused on number 1.

The purpose of a limit on sulfides is to increase longevity to the MWRA sewer system by reducing damage to the Framingham Extension Sewer and downstream interceptors. The sulfide limit under consideration for inclusion in permits for Framingham, Ashland and Natick is conservative at 0.3 mg/l. Further controls include chemical addition at the Framingham pump station, biofilters, lining the sewer, and sewer rehabilitation. A system-wide municipal limit for sulfides in other parts of the MWRA system is being considered for inclusion in municipal permits for 2001.

The actions taken to implement the sulfide discharge limits in municipal permits were summarized. Chemical addition at the Framingham pump station will reduce hydrogen sulfide gas levels in the MWRA interceptor. A temporary chemical addition facility for feeding the chemicals into the FES will be installed at the MWRA's new pump station in Framingham this spring. Until then, a single chemical feed unit will be installed inside the pump station so that chemical addition can begin sooner.

Chemical addition program costs are largely associated with the work that will be undertaken at the new Framingham pump station. Construction costs are expected to be approximately \$100,000. Chemical addition should range between \$190,000 to \$500,000 per year.

Mr. Sisitsky noted that Framingham has no idea what the cost will be to implement the sulfide limit program stating this proposal would have a long term effect on major industry in this town. He stated that there were many issues for consideration and felt that imposing these limits on July 1st was unfair.

Mr. Sisitsky asked if Mr. Lindberg of the MWRA could make some recommendations to allay the potential budget crisis. Mr. Lindberg stated that public safety issues were involved and the problem was not strictly a MWRA problem.

Mr. Call, Director of Public Works, said that parties agreed that there were problems but no final solution was available at present. He, too, was uncomfortable with establishing these limits on July 1st and hoped for an extension before the proposal was implemented. Mr. Call indicated other problems with liability issues for Framingham.

David Teller, Chair of the Ashland Board of Selectmen, voiced his concerns with the expense of the proposal.

Dr. Hopkins asked if the time could be changed from July 1st until such time as compliance issues can be addressed. Mr. Lindberg stated that the MWRA has been working with Framingham for a long time and there has been no action without a compliance mechanism. Solutions seem to only occur when funding is involved. Dr. Hopkins still recommended changing the July 1st deadline. Mr. Lindberg was unwilling to discuss the penalty phase involved in the new permit proposal.

Mr. Sisitsky asked if other communities had similar problems with their sewer systems. It appears that Framingham has significant problems. Ms. Etele stated that other communities have been sampled.

Due to the concerns of the Town, the MWRA will not include sulfide limits on new permits; rather, the agency will continue its dialogue with Framingham. The proposed program will not be implemented until further discussion occurs.

Mr. Kahn stated that an adversarial situation was not helpful. He went on to say that establishing a joint effort would help solve the problem. He suggested that the MWRA help address solutions to the problem. Mr. Kahn stated that limits and lawsuits were not useful in solving the problems.

Mr. Petrini asked if there were adverse health effects created by adding additional chemicals in the system. Ms. Etele stated there would be no adverse effects anywhere nor would there be toxicity in the harbor. Mr. Petrini suggested that all users, pro rata, should be assessed for costs. Ms. Etele stated that all users have absorbed the cost of re-building the system but the source of problem was the Framingham, Ashland and Natick.

Ms. Mulvey noted that the community was now focused and hoped future dialogue would continue without the specter of sanctions.

Motion:

Moved by Dr. Hopkins, seconded by Ms. Mulvey, to ask the MWRA Board to delay taking action on imposing sulfide limits until staff of both agencies has taken the time to further study the situation. No action taken.

Motion:

Moved by Mr. Kahn, seconded by Ms. Mulvey, to authorize the Town Manager to write a letter to the MWRA which includes an emphasis on working together cooperatively, not to vote on the imposition of limits, but to provide time to solve the problem, and to assure the MWRA that we have focused on this matter as has our Director of Public Works. So voted, unanimously.

Hearing – Transfer of License – Scioletti's to Super Buffet:

Peter Lim, Attorney for Super Buffet along with Rocco Scioletti, owner of the restaurant, came before the Selectmen to request a transfer of the all alcohol liquor license. The petitioner also requested approval of Ms. Ling-Man as the manager of the restaurant. Ms. Ling has several years experience in the restaurant business. Mr. Sisitsky asked Ms. Ling if she was familiar with local regulations. Her attorney stated she would become well versed in all local laws prior to the February opening. Mr. Kahn expressed concern that a similar license was authorized on Route 9 and wanted to encourage diversity. Mr. Kahn went on to say that it would be useful for the applicant to review the policy and come back with a broader presentation.

Mr. Sisitsky asked the Board to table action on approval of the manager until she has achieved TIPS certification.

Motion:

Moved by Mr. Kahn, to table action and invite the petitioner to come before the Board with a presentation designed to address the alcohol policy with particular regard to the diversity encouraged in the policy. No second.

Motion:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to approve the request of the petitioner to transfer the license from Scioletti's to Super Buffet, and to approve the proposed manager subject to the proposed manager completing the TIPS course and providing such forms to the Board prior to opening. So voted, unanimously.

Hearing – Change of Manager – Fraternal Order of Eagles:

Representatives from the Eagles Club came before the Board to request a change of manager to James R. Marshall. Mr. Marshall is scheduled for his TIPS certification course. Although Mr. Marshall's CORI indicated court appearances, Lt. McCarthy recommended him for the position. Mr. Sisitsky asked if the proposed manager had a good working knowledge of the town's liquor laws. He was told that all bartenders at the club are TIPS certified and Mr. Marshall will be also. Dr. Hopkins asked if Mr. Marshall would be present when the bar was open. He will be responsible for the management of the bartenders.

Motion:

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

Hearing - request for 2:00 a.m. New Year's Eve closing - American Legion, Nobscot Cafe, Italian American Club, Framingham Elks:

Motion:

Moved by Mr. Kahn, seconded by Ms. Mulvey, to approve the request of the petitioners. So voted, unanimously.

Town Manager's Report

Status of MWRA Mitigation Fund Disbursement

Mr. King presented the Board with a status report of the MWRA mitigation fund expenditures by the Fire Department, Public Works Department, Parks and Recreation, School Department and Library.

The Fire Department has been allocated close to one million dollars in funds over the last four years and has expended \$450,566 in FY 96 and \$133,115 in FY 99. The greatest spending was in the categories of salary, re-certification training, maintenance and equipment. A tunnel team is in full operation and their specialized equipment can be used in all public safety emergencies.

The Public Works Department has not yet made use of the \$180,000 available to the department in FY99, nor has it tapped funds from prior fiscal years totaling \$400,000. The intent of the department was to use a portion of the funding to upgrade Old Connecticut Path and a portion to install sidewalks on New York Avenue.

Park and Recreation also has not utilized available mitigation funds totaling \$70,000 from FY96 through FY99. There are plans for improvements to the Danforth Street Park and Saxonville Beach.

The School Department has expended funds of \$25,000 per fiscal year to provide busing not otherwise offered to students of Stapleton School who were impacted by increased truck traffic due to MWRA construction. The department has expended \$91,840 out of \$98,000 in fiscal years 1996 through 1998.

The Library expended \$11,160 of a total of \$12,950 for the purpose of special collections of books, audiovisual materials, multimedia CD-ROM's and related material.

Mr. Kahn stated that he attended the MWRA working group meeting this week and noted that there was a strong desire on the part of the neighborhood to limit the weight of truck traffic in this area. Mr. King will report to the Selectmen at an upcoming meeting.

Mr. Sisitsky asked that Mr. Call be designated as MWRA Working Group representative.

Motion:

Moved by Ms. Mulvey to appoint Mr. Call as the DPW representative to the MWRA Working Group. Seconded by Dr. Hopkins and so voted.

2000 Meeting Dates:

Mr. King submitted a list of proposed meeting dates for the Board's review. He has scheduled a weekly Thursday night meeting for the Selectmen from January through May of 2000. Dr. Hopkins asked about executive session meetings in addition to regular meetings. Mr. King hoped that one individual meeting would be devoted to executive session topics.

Motion:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to approve the Town Manager's recommendation regarding weekly meeting dates. So voted, unanimously.

Mr. King asked for a formal vote by the Board to retain the ongoing water and sewer penalties that were removed from the bylaws by Town Meeting until the new policies are approved.

Motion:

Moved by Ms. Mulvey, seconded by Mr. Kahn, to retain the current penalties that were in the by-law until the new policies are presented to and approved by the Board. So voted, unanimously.

Selectmen's Reports

Mr. Petrini reported that he and Mr. Kahn attended a meeting with the Metro West Foundation regarding the charitable tax status of the Foundation and whether they plan to register as a public charity, supporting organization or private foundation. Mr. Petrini suggested that the Selectmen table discussion of the topic until December 27th to allow for sufficient time to make a recommendation to the Board.

Mr. Kahn added that he had spoken with the Chair of the Foundation and was informed that the Foundation had recently met with officials from the Town of Natick to answer their questions and concerns. Mr. Kahn stated some thought should be given to the responses the Foundation made to Natick. He suggested that the Board review his memo of several weeks ago for preparation prior to the December 27th discussion.

Dr. Hopkins reported that she attended Community Preservation Day at the State House. She will distribute copies of the most recent community preservation bill. Dr. Hopkins said she was pleased that Town Meeting resolved to pass the Community Preservation Act. Mr. Petrini stated that Dr. Hopkins drafted a petition for the Town Counsel's review.

Mr. Petrini said that he received a call from Jim Divver of the Cable Committee who suggested that committee members receive a certificate of appreciation. He would like such a form developed by the Selectmen's office.

Mr. Petrini spoke to the attorneys representing the Lopez case. He plans to devise a memo regarding the Chapter 70 formula.

Ms. Mulvey announced that she had attended a millennium forum for MetroWest Growth Management held at the Village Hall and thought the presentation was impressive. Ms. Mulvey will present a report on MetroWest planning at an upcoming meeting.

Ms. Mulvey would like a census presentation before the Selectmen at a future meeting. Mr. King announced that Ms. Hawes would make such a presentation on January 6th. Cesar Monson will be invited.

Action Items:

Approval of minutes of 10/28/99 and 11/4/99:

Motion:

Moved by Ms. Mulvey, seconded by Mr. Kahn, to approve the open session minutes of October 28, 1999. Four in favor, Mr. Petrini abstained.

Motion:

Moved by Ms. Mulvey, seconded by Mr. Kahn, to approve the executive session minutes of October 28, 1999. Four in favor, Mr. Petrini abstained.

Motion:

Moved by Ms. Mulvey, seconded by Dr. Hopkins, to approve the minutes of November 4, 1999. So voted, unanimously.

Approval of Bond Anticipation Note: Short term borrowing for Cameron School project:
SIGNATURE, AWARD AND NO-LITIGATION CERTIFICATE

We, the undersigned, respectively, the Town Treasurer, and a majority of the Board of Selectmen of the Town of Framingham, Massachusetts (the "Town"), affix hereto our signatures to identify the signatures which we have affixed to or caused to be affixed to a certain Bond Anticipation Note now being issued by the Town, dated as of December 21, 1999, due March 9, 2000 (the "Note"). The Note is authorized by Chapter 44, Section 17, of the Massachusetts General Laws, as amended and supplemented, and is more particularly described as follows:

\$10,000,000 Bond Anticipation Note (Cameron School Bonds), No. R-1, issued in anticipation of a portion of the \$17,900,000 Bonds authorized pursuant to Chapter 44, Sections 7(3) and 7(3A) of the Massachusetts General Laws, as amended and supplemented, by a vote of the Town duly adopted under Article 31(A) of the Warrant at the 1998 Annual Town Meeting and by a vote of the Board of Selectmen held on December 16, 1999.

For further particulars as to the Note, see the form annexed hereto. The Note originally issued shall be in book-entry form, one (1) Note for each interest rate shall be issued substantially in the form appended hereto. In the event of failure or termination of the book-entry system, replacement notes shall be delivered to the owners thereof.

A. Signatures

We certify that the Note originally issued, has been signed by the manual signature of the undersigned Town Treasurer and by the original or printed facsimile signatures of a majority of the Board of Selectmen; that we were at the date of such execution and now are the duly chosen, qualified and acting officials indicated therein and authorized to execute the Note in the manner appearing thereon.

B. Award and Authorization

We certify that the Note has been sold and awarded at not less than par and accrued interest, if any, to date of delivery, as follows:

BOND ANTICIPATION NOTE

<u>Purchaser</u>	<u>Note No.</u>	<u>Denominations</u>	<u>Interest Rate</u>	<u>Premium</u>
Fleet Securities, Inc.	R-1	\$10,000,000	_____ %	\$ _____

We further certify that the Note is being issued to finance the Cameron School; that the Note is not being issued to renew or refund any notes, bonds or other obligations previously issued; that no other notes, bonds or other obligations in anticipation of bonds or have been issued under the authority thereof; that the aforesaid vote has not been rescinded, amended or changed in any way, and remains in full force and effect; that at the time of its authorization, the bonds and the Note were, and on the date hereof are, within every debt and other limit prescribed by law or otherwise; that no proceedings relating to the authorization or issuance of the Bonds or the Note issued in anticipation of the bonds have been taken other than those of which a certified copy has been furnished

to Ropes & Gray; that there is no litigation, pending or threatened, affecting (i) the authorization or issuance of the Bonds or the Note issued in anticipation thereof, (ii) our title to our respective offices, (iii) the corporate existence or boundaries of the Town, (iv) the right or power of the Town to carry out the project to finance that which it has issued, (v) the right or power of the Town to issue bonds in anticipation of which the Note is issued or to levy and collect taxes or to pay the principal of and interest on the Note or (vi) the validity under Chapter 39, Section 23B, of the General Laws, as amended (the "open-meeting law") of any meeting of the Board of Selectmen at which action with

respect to the Bonds or the Note was taken or with respect to the bonds in anticipation of which the Note is issued or the project to be financed with its proceeds was taken, or in any manner questioning the proceedings and the authority under which the Note has been issued or affecting the validity of the Note; that the validity of the Note has not been questioned and that the form, date, maturity, interest rate per annum and other details of the Note and the award thereof are hereby approved.

C. Certification regarding Official Statement

I, the Town Treasurer, further certify on behalf of the Town that to the best of my knowledge and belief, the Preliminary Official Statement of the Town dated December 9, 1999, and the Final Official Statement of the Town dated December 14, 1999, relating to the Note, at the time of the sale of the Note and at the time of delivery of the Note to the purchaser thereof, did not and does not contain any untrue statement of a material fact and does not omit to state a material fact necessary in order to make the statements therein, in light of the circumstances under which they were made, not misleading. While I have not verified independently information contained in such Official Statement, which has been obtained from The Commonwealth of Massachusetts or United States Government sources, I have no reason to believe that such information is materially inaccurate or misleading.

We further certify that the following is a true copy of excerpts from the minutes of a (regular) (special) meeting of the Board duly called and held on December 16, 1999 at _____ a.m./p.m. at _____, (the "Meeting") which Meeting was attended by the Treasurer and by _____ () of the five (5) members of the Board of Selectmen, constituting a quorum, the following vote was duly adopted by vote of _____ () votes in the affirmative and _____ () votes in the negative (the "Vote"):

"VOTED: That all action taken by the Town Treasurer in conducting the sale of the \$10,000,000 principal amount of a Bond Anticipation Note (the "Note") of the Town, issued in anticipation of Bonds authorized pursuant to Chapter 44, Section 7, of the Massachusetts General Laws, as amended and supplemented, and by a vote of the Town duly adopted as further described herein, and, in that connection, preparing a Preliminary and Final Official Statement, be and hereby is ratified, confirmed, approved and adopted;

That the Note shall be dated as of December 21, 1999, shall mature on March 9, 2000, and shall be numbered R-1; and subject to the provisions of this Vote, shall be in such form, in such denomination and contain such other details as the Town Treasurer and a majority of the Selectmen shall determine or approve by their execution of the Note;

That the Note shall not be subject to redemption prior to its stated maturity date.

That the Note shall originally be issued by means of a book-entry system evidencing ownership and transfer of the Note; and in the event of failure or termination of the book-entry system, State Street Bank and Trust Company, in Boston, Massachusetts, shall issue replacement notes in the form of fully registered certificates;

That said State Street Bank Trust Company shall act as Note Registrar, Transfer Agent and Paying Agent, therefore;

That the Note shall bear interest and is hereby sold and awarded as follows:

<u>Purchaser</u>	<u>Note No.</u>	<u>Denomination</u>	<u>Interest Rate</u>	<u>Premium</u>
Fleet Securities, Inc.	R-1	\$10,000,000	_____ %	_____ \$

That the Town Treasurer be, and hereby is, authorized to execute and deliver a Material Events Disclosure Certificate generally as described in the official statement relating to the Note and to incorporate by reference thereto in the Note such Certificate both in such form as the Treasurer may approve by his execution thereof, and the obligation of the Town contained in such certificate is hereby approved and confirmed;

That the Board of Selectmen, the Treasurer and the Town Clerk be and hereby are, and each of them severally is, authorized to take such action, and to execute and deliver such certificates, receipts, or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing Vote; and

That the Town Treasurer is hereby authorized to prepare and deliver the Note to the aforesaid purchaser or order against payment in full of the agreed purchase price."

We hereby certify that the foregoing is a true copy of the Vote adopted at the Meeting as appearing in the minutes thereof; that the Meeting was open to the public; that notice stating the place, date and time of the Meeting was filed with the Town Clerk of the Town of Framingham and a copy thereof was posted in the Town Clerk's office or on the principal official bulletin board of the Town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the Meeting and remained so posted at the time of the Meeting; that no deliberations or decisions in connection with the Vote were taken in executive session; and that the official record of the Meeting was made available to the public promptly and will remain available to the public, all in accordance with Chapter 39, Section 23B, of the General Laws, as amended (the "open-meeting law").

We, the undersigned members of the Board of Selectmen, and Town Treasurer hereby adopt as and for our official signatures the facsimile of our signatures which may be printed on the Note.

I, the Town Treasurer, further certify that the Note was delivered on the date hereof and that the face amount plus premium, plus interest, if any, accrued from the date of the Note to the date hereof, was received from the purchaser of the Note on the date hereof; and that the form, date, maturity, interest rate per annum and other details of the Note and the sale and award thereof; as shown herein, are hereby approved.

Motion:

Moved by Mr. Petrini, seconded by Ms. Mulvey, to approve the bond anticipation note submitted by the Treasurer Collector. So voted, unanimously.

Approval of Bell Atlantic Pole Relocation – Speen Street and Cochituate Road:

Bell Atlantic submitted a joint petition with request for the relocation of ten poles on Cochituate Road and Speen Street. A public hearing and notice to abutters will not be required for this petition. JO poles are jointly owned.

Motion:

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

Approval – One-Day License – Village Hall:

Dr. Hopkins noted that the signature on the application was unclear.

Motion:

Moved by Ms. Mulvey, seconded by Mr. Kahn, to approve the request of Village Hall for a one-day special license on December 23, 1999. So voted, unanimously.

Appointment – Framingham State Parking Officer:

The Selectmen were in receipt of a letter from Framingham State College requesting the appointment of David Curtis and James Gough as parking enforcement officers.

Motion:

Moved by Ms. Mulvey, seconded by Dr. Hopkins to appoint David T. Curtis and James P. Gough as parking enforcement officers at Framingham State College for the period they are employed as Framingham State College employees. So voted, unanimously.

Motion

Moved by Ms. Mulvey to go into executive session for the purpose of discussing non-union bargaining personnel. Seconded by Dr. Hopkins and so voted unanimously.

A motion to adjourn was approved by the Board.


ESTHER A. H. HOPKINS, CLERK