

Selectmen's Meeting April 13, 2000

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

Mr. Sisitsky called the meeting to order and reviewed the agenda for the viewing public.

Various representatives of the press came before the Selectmen to discuss the matter of the display of the Confederate Flag at the upcoming Civil War Encampment. Mr. King stated that it came to the attention of the town that the Tercentennial Commission, in an effort to provide a realistic re-enactment of Civil War events, would fly both the Confederate and Union flags during this event. The position of the Commission is that the re-enactment is part of history and even if it is an unfortunate chapter the re-enactors would like to be historically correct. Mr. King emphasized that no Confederate flags would fly on town buildings nor be displayed on the flagpoles in town. The intent of the re-enactment is strictly historical. The Celebration is planned on April 28-20th. Dr. Hopkins stated that there are those in town who were quite concerned about having a Confederate flag flown on Framingham Common. She felt that the Tercentennial Commission had overlooked some people and would like those people feel that they were not unnoticed. Mr. Petrini concurred with Dr. Hopkins and felt that a historical re-enactment should be accurate and handled sensitively. Mr. Sisitsky agreed with his colleagues.

Proclamation – Infant Immunization Awareness Month

Charlotte Trubiani and Leila Mercer of the Board of Health came before the Selectmen to receive a proclamation announcing that April is National Infant Immunization Awareness Month. Mr. Sisitsky complimented the Board of Health for their community outreach programs. Dr. Hopkins asked how it was that any children missed receiving vaccinations. Ms. Trubiani stated that public awareness was an ongoing charge and the Board of Health was working to narrow this gap.

Public Participation

Mr. Franchi raised the issue of open space at Cushing Hospital. He felt that the land should be kept as open space and not developed.

Victor Ortiz – Announcement of 500th Anniversary Celebration of Discovery of Brazil

Victor Ortiz, President of the Framingham Resource Center and Zelita Vieira, representing the Brazilian Community Association, came before the Selectmen to announce celebration festivities commemorating the 500th anniversary of the discovery of Brazil. Ms. Vieira stated that Brazilian immigrants have felt welcome in Framingham and are proud of their efforts to build the community. To honor the event, members of the Brazilian community will be presenting the Brazilian Flag to the Brazilian Consul to the New England area and there will also be a choral presentation by the Brazilian Presbeteriana Cristo Rei Church. Ms. Vieira invited the Selectmen to attend the April 23rd celebration; which will be held in Nevins Hall. Mr. Sisitsky was happy to declare April 23rd Brazil Day in Framingham.

Reorganization of the Board of Selectmen

Mr. Sisitsky suggested tabling the reorganization of the Board until Mr. Kahn recuperated from surgery and returned to Selectmen's meetings.

Motion

Moved by Dr. Hopkins, seconded by Mr. Petrini, to table the reorganization of the Board of Selectmen until a full Board is present. So voted.

Hearing – Bickford's Family Restaurant – Alteration of Premises

Anthony Buono, Esq., representing Bickford's Family Restaurant, came before the Board to request a modification of Bickford's pouring license and allow alteration of premises to increase the seating capacity for the restaurant located at 270 Cochituate Road. The Board's approval of the petition will allow seating for twenty-eight additional patrons. Mr. Sisitsky pointed out that the bar area in the restaurant was quite small and wondered if it would be enlarged. Mr. Buono said new plans will allow for a waiting area and enlarged, handicapped accessible restrooms. Dr. Hopkins asked if the building would be extended. Mr. Buono said that it would.

Motion

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

Review of Warrant Articles – 30-32Doeskin Betterment Articles

Article 30 -requests that Town Meeting vote to accept a series of local option Massachusetts General Laws that would allow for the payment of water system improvements by special assessments.

Mr. King explained that the Doeskin Hill area of town did not receive town water and in order for this to occur, town infrastructure water improvements were necessary. The cost to the town would be \$2,000,000 and the residents of the 65 homes in the area would split the cost of the betterment among them. The cost per home would be over \$30,000 to be paid over a twenty-year period. The neighborhood was surveyed and the majority of the neighbors are in favor of the betterment. Mr. King recommended that the Board endorse this article.

Dr. Hopkins asked if the land in question was that given to the Sudbury Valley Trustees. Mr. King did not think that this was the case, but he would investigate. The proposed use of the land would be for a pump station on Edmands Road.

Mr. Petrini asked what the basis of the objection was from the minority of neighbors in the area. Mr. King felt that one of the issues was affordability for some of the affected homes. He stated that the neighborhood does not decide on the betterment; Town Meeting makes the final decision.

Mr. Sisitsky pointed out that, as a positive impact to the town, fire hydrants would be installed in the area. Dr. Hopkins asked when the homeowners would absorb the betterment. It was explained that the betterment was paid for when construction began and then the bills for water would be sent out when service began.

Motion

Moved by Mr. Petrini, seconded by Dr. Hopkins, to support favorable action on Article 30, 31 and 32. So voted, unanimously.

Personnel Articles

Robert Joy, Human Resources Director, came before the Selectmen to discuss Article 5 – Amending the Personnel Bylaw as well as Article 19, adopting schedule B of the Personnel Plan.

Article 5

The proposed changes in the bylaw shift the supervisory responsibility of the Human Resources Director from this Board to the Town Manager. Mr. Joy explained that the purpose of this article was to bring the bylaw into compliance with the Town Manager Act. One proposed change was the definition of part time. Other changes involve the leave of absence policies and the Family Leave Act. Dr. Hopkins asked how work was completed when an employee was on leave. Mr. Joy said that duties can be re-aligned or temporary help can be employed.

Mr. Petrini asked Mr. Joy to comment on the question of responsibility between the Personnel Board and/or Town Manager terminology in the by-law administration. The Government Study Committee has not yet voted on the article.

Dr. Hopkins asked for an example of when the Town Manager might need the concurrence of the Personnel Board to take action upon the request of an employee. Mr. King thought the wording of this passage should be reversed. Mr. Joy will review the wording in Section 18 of the Personnel Bylaw. Mr. Petrini felt the Personnel Board should serve in an advisory capacity to the Town Manager. Mr. Petrini would like the input of Town Counsel on the Article prior to the final vote of the Board.

Motion

Moved by Mr. Petrini, seconded by Dr. Hopkins, to table action on Article 5. So voted, unanimously.

Article 19

Pay classification plan - Mr. Joy reported that a merit based pay system for Division Heads. All Division Heads would be reclassified to the new rating and moved to a fiscal year evaluation cycle.

This rating system will be implemented in Fiscal 2001.

Dr. Hopkins asked why there was not an overlap of DH-1 and DH-2. Mr. King explained the process. Mr. Petrini asked how Division Heads received the plan. Mr. King felt the response had been positive and noted that salary for favorable performance could increase.

Mr. Sisitsky asked where in the budget the money was set aside. Mr. King said that the figure would be included in the departmental line items.

Additional changes in the pay plan include the creation of an Assistant Town Manager, the reorganization of the Public Works Department to combine Water and Sewer Division Heads, a reorganization of the Fire Department, reclassification of two positions in the Accounting Department, reclassification of two positions in the Building Department, deletion of obsolete positions, title changes, and a final revision of the temporary help schedule.

Mr. Sisitsky asked about new positions in the Fire Department. Mr. King stated that there were no new positions, simply a restructuring of current positions.

Mr. Petrini asked if this proposal was the same as in years past. Mr. King said that it was. Mr. Petrini thought that Town Meeting might object to one area of Schedule B and thus bury the entire article.

Mr. Petrini would prefer an executive summary prior to taking a vote. Mr. Sisitsky felt that all the material had been discussed.

Motion

Moved by Mr. Petrini, seconded by Dr. Hopkins, to support favorable action on Article 19. So voted, unanimously.

Open Space

Mr. Petrini pointed out that the latest revisions reflect the concerns raised by Selectman Kahn at last week's meeting. The most substantial change is on the last page of the draft noting that the final acceptance of the legislation has to come before Town Meeting. The Open Space Committee has received unanimous support of the Standing Committee on Planning and Zoning, Real Property Committee, Conservation Committee and several other boards.

Dr. Hopkins discussed the open space article with respect to the Cushing Hospital property. Mr. Sisitsky asked about funding with regard to the sale of unimproved town owned real property. Mr. Petrini explained that if the town was selling open space the town should acquire dollar per dollar value for the land. Mr. Sisitsky would like to see a cap put on the amount of money donated to the open space fund. Mr. King thought there was some wisdom to Mr. Kahn's idea. Mr. Sisitsky had some concern about the amount of money going into the open space fund.

Mr. Petrini felt that if the town did not act with alacrity there would be no open space. Mr. King agreed in concept but felt that there should be some thought given to putting on a cap. Mr. King suggested adding a waiver provision in sub-section five. Mr. Petrini was willing to work on this section.

Motion

Moved by Dr. Hopkins, seconded by Mr. Petrini, to support favorable action by the Board of Selectmen on April 11th draft of the Open Space Committee subject to appropriate waiver language requiring a super majority of the Open Space Commission on the sale of unimproved property. So voted, unanimously.

In sub-section 5, on page 7 of the draft, Mr. Petrini changed the language to read that the mandatory funding provision may be waived providing that at least five of seven members of the Open Space Commission approve the waiver.

Article 11 - Retirement

This article addresses the COLA (Cost of Living) increase for retirees in excess of the percentage increase allowed by law, which is up to a maximum of 3% (on the first \$12,000 of the retirement allowance.) Mr. Sisitsky questioned the 3% cap. Dr. Hopkins asked about the percentage of town employees who received less than \$12,000 per year. Ms. Glynn noted that there were some employees who were receiving this small amount. Mr. King explained that this money comes out of the budget and has a large actuarial cost.

Motion

Moved by Dr. Hopkins, seconded by Mr. Petrini, to support favorable action on Article 11. So voted, unanimously.

Election

Last week Mr. King informed the Selectmen as to their options with regard to filling the vacancy left on the Board by the election of Valerie Mulvey to the office of Town Clerk.

Ms. Mulvey's term expires in 2001. The two options open to the Board are as follows:

- Leave the seat open for the one year period
- Call a special election for the purpose of filling the seat until it expires in 2001

Mr. Sisitsky said that Ms. Mulvey hoped to push the election later into the fall to achieve a higher turn out. Mr. King felt it made sense to hold the election in September. A later date would be too late and leave the Board without a member for a long period of time. Non-partisan elections must be held four weeks apart. If there is not a preliminary election the town could save a \$25,000 election cost.

Mr. King did not recommend taking advantage of holding the election in November. If a preliminary election were required it would necessitate two ballots. Mr. Petrini was prepared to move the Town Manager's recommendation.

The timing of the special election is discretionary with the earliest possible date for such an election being July 18th. Mr. King recommended that the Board of Selectmen call a special election on Tuesday, September 19, 2000. The date coincides with the state primary and would enable the town to save money by having two elections on one day. If this date were chosen, a preliminary election, if necessary, would be held on August 22nd. The filing deadline for candidates would be July 5th.

Motion

Moved by Mr. Petrini, seconded by Dr. Hopkins, to move the Manager's recommendation and call a special election to fill the vacant seat on the Board of Selectmen for September 19, 2000. So voted, unanimously.

Town Manager's Report

Mr. King reported that the Department of Public Works would be repairing any damage from this past snow season. A list has been compiled and work will begin once the growing season is clearly upon us.

Massport

Mr. King reported that town officials met this week with representatives of Massport regarding the proposed parking garage at Shoppers World. Massport's intent is to purchase the property from Developers Diversified and construct a four level, 930-car garage. The construction of the garage will not be subject to local zoning laws, but Massport has expressed an interest in working with the town. Dr. Hopkins asked the amount of money coming off the tax rolls if Massport used the parcel. Mr. King stated the amount was undetermined. Dr. Hopkins asked if Massport indicated they would pay the town in lieu of taxes. Dr. Hopkins felt a surcharge on parking might be a possibility to regain funding.

Streetlight Purchasing

Mr. King stated that the town continues to work on studying the issue of buying our streetlights. A consultant has been hired to review the process and it appears that purchasing and maintaining the majority of our streetlights has the potential to save the town in excess of \$100,000 yearly.

Mr. King raised the issue of the MPO. The Chairman of the Board of Selectmen must be the designee, however the Chair can appoint a designee. The Chair should convey his decision to the MAPC and the MPO in writing. Mr. Sisitsky will make a decision in the near future.

Selectmen's Reports

Dr. Hopkins attended a meeting regarding Open Space, which occurred at the Cushing property. She pointed out that it was well attended by neighbors.

Mr. Petrini attended several open space committee meetings and also attended a Partners in Education meeting.

Action Items

Approval of amended minutes of February 10, 2000 and March 2, 2000, open and executive session.

Motion

Moved by Dr. Hopkins, seconded by Mr. Petrini, to approve the amended open session minutes of February 10, 2000. So voted, unanimously.

Motion

Moved by Dr. Hopkins, seconded by Mr. Petrini, to approve the executive session minutes of February 10, 2000. So voted, unanimously.

Motion

Moved by Dr. Hopkins, seconded by Mr. Petrini, to approve the open session minutes of March 2, 2000. So voted, unanimously.

Motion

Moved by Mr. Petrini, seconded by Dr. Hopkins, to approve the executive session minutes of March 2, 2000. So voted, unanimously.

Mr. Petrini will distribute a copy of the Supreme Judicial Court decision on the McDuffy case (Chapter 70 Education Reform) decision to the Board of Selectmen. The Board would like a copy of the decision kept on record.

Mr. Sisitsky asked about RCN's work on the Southside of town. He would like Mr. King to check on this matter.

Policy Statements

Mr. King presented the Board with two policies for consideration at this time.

Common Victualer's Policy

Mr. King reported that he incorporated the Board's suggestions into the proposed policy for applicants for a Common Victualer's license. The changes requested by the Board are:

- All fees and fines paid
- Entertainment in proposal or future
- Manager of establishment identified by name
- Abutting properties identified within 500 feet
- Policy reviewed by Town Counsel
- Standards for applicants
- Estimate of project costs
- Estimated date of opening of business

Mr. Sisitsky suggested that language in section five include a special permit or variance from the ZBA. Mr. Sisitsky would like the Planning Board included in the list of Boards reviewing applications.

With regard to a public hearing, Mr. Sisitsky would like abutters within 300 feet notified.

Motion

Moved by Dr. Hopkins, seconded by Mr. Petrini, to approve the proposed Common Victualer Licensing Policy with the suggested changes. So voted, unanimously.

Customer Service Policy

Mr. King stated that since becoming the Town Manager he has stressed the need for excellence in customer service. Mr. King went on to say that he has attached a written standard for the Board's review. Mr. King outlined the following components of the Customer Service Policy proposed for adoption by the Board:

- Employee Responsibility

Supervisors and Management Personnel

- Standards of Performance
 - Processes*
 - Marketing & Communication*
 - Printed Material*
 - Phone & Written Inquiries*
 - Information & Referral*
 - I*
- Internal Service Departments
- Measurement
 - Complaints*
 - Customer Service Evaluation Card*

Mr. Sisitsky thought the policy was well thought out and thorough. Dr. Hopkins asked if anonymous "sting" operations might be in the works. Mr. King felt that it might be a good idea. Dr. Hopkins agreed that customer service was an important part of town government and stressed the need for it to be in place on the telephone. Mr. King plans hopes to incorporate telephone customer service into his policy recommendation.

Motion

Moved by Mr. Petrini, seconded by Dr. Hopkins to adopt the first reading of the policy. So voted, unanimously.

Approval of Maynard Suite Bids

Mr. King reported to the Board that the Maynard Building Suite Bids were opened on April 4, 2000. All incumbent tenants submitted bids, which met all minimum criteria and these tenants will be able to retain their spaces. Two suites are available for rent. The Board needs to vote to accept these bids so that the Chief Procurement Officer can prepare leases. Mr. King stated that the new figures did increase revenues for the town. None of the suites are the ones the School Department is requesting. The Historical Commission chose not to bid.

Motion

Moved by Dr. Hopkins, seconded by Mr. Petrini, to approve the issuance of the leases in the manner noted in Mr. Landry's memo of April 4, 2000. So voted, unanimously.

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Appointment of Framingham Union Grants Panel Members

The Board is in receipt of a letter from Deborah Blumer informing them that, as of June 30, 2000, the current term of all the members of the Grants Panel will expire. Bylaw dictates that the Framingham Board of Selectmen must nominate eight Framingham residents to be candidates to fill four of the five slots on the panel. Current members of the panel have expressed an interest in remaining. Ms. Blumer encouraged the Selectmen to consider the current members as nominees. Mr. Petrini felt the position

should be advertised and the candidates should appear before the Board. Dr. Hopkins felt that the Chair should indicate that the current membership has served appropriately. Mr. King was asked to request attendance data on the current membership.

Approval of one-day license, Learning Center for the Deaf

Michael Bello, representing the Learning Center for the Deaf, petitioned the Selectmen for a one-day special license for a fund raising event to be held on April 29, 2000. Lt. McCarthy has no objection to the petition. Dr. Hopkins would like the forms changed to reflect the current membership.

Motion

Moved by Mr. Petrini, seconded by Dr. Hopkins, to approve the one-day special license for the Learning Center for the Deaf. So voted, unanimously.

Request from Framingham Rotary for fee waiver for Hawker's & Peddler's License for Marathon Day

Motion

Moved by Mr. Petrini, seconded by Dr. Hopkins, to approve the fee waiver for the Hawker's and Peddler's License requested by Framingham Rotary with the designation that future requests are done in a timely manner. So voted, unanimously.

Motion

Moved by Mr. Petrini, seconded by Dr. Hopkins, to go into executive session for the purpose of discussing collective bargaining and the potential sale of real estate and return to open session for the purpose of adjourning. So voted by roll call. Mr. Sisitsky yes, Dr. Hopkins yes, Ms. Mulvey yes.

