

# TOWN OF FRAMINGHAM

## SELECTMEN'S RECORDS

\*REGULAR MEETING OF THE BOARD OF SELECTMEN -- JANUARY 19, 1981\*

The regular meeting of the Board of Selectmen was held in the Peter W. Ablondi Room at 7:30 PM.  
Present: John F. King, Chairman, John F. DelPrete, Clerk, Selectman Claire F. Lavin and Executive Administrator, Matthew P. Clarke.

Prior to the regular meeting, the Board of Selectmen met in Mr. Clarke's office in EXECUTIVE SESSION with the Purchasing Agent, Lorraine Regan, relative to Revaluation Court Case.

### WARRANTS

#120 - January 19, 1981 - Bills - \$542,287.92  
#121 - January 19, 1981 - Block Grant - \$5,503.92  
#122 - January 19, 1981 - EDA Library Project - \$1,995.00  
#123 - January 19, 1981 - Payroll - \$335,240.93  
#124 - January 19, 1981 - Bills - \$4,388,182.50

### AMUSEMENT LICENSES

General Cinema Corp. of Massachusetts d/b/a Framingham Cinema I, II, III, IV, V, Shoppers' World, weekdays, 1981, from 8:00 AM to 12:00 Midnight, Motion Picture Theatres.

### AUCTIONEER LICENSE

Joel Shapiro, 12 Ivy Lane, Burlington, MA 01803, Auctioneer and to hold an Auction at Howard Johnson Motor Lodge, Route 9, Worcester Road, Framingham, January 24, 1981, from 7:00 PM to 10:00 PM - Oriental Rugs.

### COIN OPERATED MACHINE LICENSES

Seven Eleven Food Store - 890 Waverly Street - one (1) coin operated machine.

### COMMON VICTUALER'S LICENSES

Bradlees, 1 Worcester Road, Framingham  
Caldor, Inc., 121 Worcester Road, Framingham

### SPECIAL MALT BEVERAGES AND WINE LICENSE

Framingham United Soccer Booster Club, Temple Beth Am, January 31, 1981, 8:00 PM to 12:00 Midnight

### SPECIAL ALL ALCOHOLIC BEVERAGE LICENSE

St. Tarcisius Parish, St. Tarcisius School Hall, January 31, 1981, February 31, 1981, March 21, 1981, from 7:00 PM to 1:00 AM.

### APPOINTMENTS

SPECIAL POLICE OFFICER - Michael B. LeMoine, 81 Saxony Road, Framingham, for a term of duration of employment at Lechmere Sales, Inc., Framingham, MA

### TRAFFIC REGULATIONS

In accordance with the recommendations of Safety Officer Robert Foley, it was unanimously voted to approve the installation of the following signs:

#### NO PARKING ANYTIME

On Davis Street north side from Freeman Street to Grant Street

#### RESIDENT PARKING ONLY

On Davis Street south side 20 feet from Freeman Street  
(beside 45 Freeman Street)

#### RESIDENT PARKING ONLY

On Claflin Street at #30 at end of walk to home

### RELEASE OF HOSTAGES FROM IRAN

Chairman King welcomed Reverend Mason Wilson of St. Andrew's Church, Rabbi Murray Levine of Temple Beth Shalom and Father R. Bourgault of St. Stephen's Church who were present to express appreciation for the release of the hostages from Iran on behalf of the Framingham citizens. After each of the clergy expressed gratitude, Selectman Lavin expressed her thanks to them for their eloquence on this occasion. Selectman DelPrete stated that to express any sentiment following the praise such as the clergy have expressed would only be anticlimactic. We are assured, however, there is no doubt -- the people of Framingham are expressing a sentiment of prayer -- we are almost there -- we hope it is over. Mr. DelPrete thanked the Clergy for being here tonight. Chairman King also thanked representatives of the Faiths for expressing their sentiments tonight.

### HEARING - Discontinuance of a portion of Pearl Street and adjacent portion of Park Street

Letter from Attorney David O. Whittemore re: Pearl Street Project

Letter of Disapproval from Board of Public Works re: Discontinuance of Pearl Street

Chairman King called on Planning Assistant, Rick Taintor, to give an overview of the proposed Pearl Street Project. Mr. Taintor explained that the original plan was abandoned and this is a revised plan, taking into consideration some of the objections expressed by abutters. This plan is to assist in the revitalization of downtown Framingham for improvement of public facilities through economic development loans. Planning has addressed the housing component since elderly housing is important to the elderly and the downtown area is especially appropriate for such a project. Mr. Taintor identified several small vacant parcels of land which individually were too small to develop, but combined with the closure of a section of Pearl Street would provide excellent location. Mr. Taintor continued: "Last summer, we got approval in principal. We got four proposals, we selected the Winn Development Corporation and we agreed not to build beyond six stories. The revised plan now calls for the relocation of Pearl Street somewhat to the west. This decrease of land prompted the developers to ask for an increase of height to eight stories. The three abutters involved are A. J. Halloran -- an auto parts business, the Eagles Club, and the Farmer's Exchange. The Farmer's Exchange complained about the traffic because the street was closed. Some changes in plans have been worked out and there now are no adverse effects.

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HEARING - Discontinuance of a portion of Pearl Street and Adjacent portion of Park Street (Continued)

Chairman King pointed out the Chairman of the Board of Public Works has concerns. Mr. Taintor pointed out there is a need for upgrading some of the utilities and the developer has come up with a relocation plan for the utilities to be included in the price of the acquisition cost of the land. There further are concerns about the drainage -- these matters will be discussed at a meeting with the Board of Public Works tomorrow night.

M. P. Clarke read a letter of support from Ronald Isaacson, President of the Downtown Framingham Merchants' Association in which Mr. Isaacson states the association firmly supports the project and feels it is in line with their purpose of upgrading the downtown area.

Attorney David Whittemore registered his objections to the project in his letter to the Board whereby indication of noise from the railroad yards and the chemicals sometimes left in the freight marshalling yards appear to be a deterrent to a housing program at this location. Mr. Whittemore further states he would hope that the long-range plans for downtown would include a traffic bypass in terms of an elevated railroad track that would go directly to Route 9 area without impacting Union Avenue and Downtown Framingham.

Anthony Colonna, the Chairman of the Board of Public Works presently disapproves the abandonment of Pearl and Proctor Streets because of the existing utilities lines which are inadequate for this purpose.

Selectman DelPrete agreed that all the utilities would have to be worked out. It appears to him that most people are willing to go along with the plan but he reminded the assembly that all of this is contingent upon Town meeting accepting the plan and then it is still contingent upon approval of the Attorney General.

Peter Scagnelli who represents the Eagles Club stated he was definitely against the first plan; however, he finds the second plan much better. At the same time all this work is being undertaken, he would like the Town to consider widening Park Street so that parking and two-way traffic could take place.

Michelle Cunha of the Chamber of Commerce addressed the Board lending the Chamber's support to the Pearl Street redevelopment.

Gene Costa of the Council on Aging stated that he would welcome any kind of housing for the Town, but since the Town would not house a school at this location, he cannot support elderly housing at this location. The Council on Aging fears the noise and the vinyl chloride which passes there and he reports that the Council unanimously voted against the project at this location.

Fire Chief John Hancock stated there will need to be accesses to emergency vehicles and an improved water line for adequate sprinkler system.

Chairman King asked the developer's architect, Roger Cassin, to address the question of noise. Mr. Cassin stated that the Winn Development Company has erected such housing in Brookline and they have been able to deal with the problem of noise in the buildings. However, the problem of vinyl chloride is not one they have had to address in the past and in this respect, they are neighbors who share the same concern.

Chairman King asked Fire Chief Hancock to address this question. Chief Hancock replied this is the same area which we all agreed would be the safest place to keep the vinyl chloride cars. The area would have to be evacuated in case of such an emergency. It is decidedly a high risk area from this point of view.

Selectman DelPrete brought out the fact there is a great deal of noise when the railroad cars assemble and disassemble and he wonders whether the engineers have thought about that. Mr. Cassin replied that the developer expects to use the same engineering firm which was used in the design of the Brookline apartments and he believes it is the developer's charge to deal successfully with this matter.

Sara Frieband asked how many of the apartments would be available for the handicapped. The architect replied there would be ten per cent, or roughly twelve apartments available to the handicapped.

The chairman thanked everyone for participating in the discussion this evening. M. P. Clarke reminded the Board they will have to take a position on January 27, 1981.

HEARING - Sea 'N Surf Restaurant re: violation of liquor laws

Present: Chief A. Martins, Lt. Robert Morgan, Officer James Smith & Officer Ronald Gustafson of the Police Department. Mr. Michael Rapp and Manager, Janet Swift of the Sea 'N Surf Restaurant. Much dialogue transpired relative to the incident reported by Lt. Morgan on December 23, 1981 at 3:10 AM. After carefully listening to all testimony, the Board of Selectmen unanimously voted to suspend the restaurant's liquor license January 26, 27, and 28, 1981, based on direct violation of the permission to serve liquor until 2:00 AM on that occasion. The manager of the restaurant will be directed to deliver the Alcoholic Beverage License to the Selectmen's office at 8:30 AM on January 26, 1981, and the license may be picked up at this office on January 29, 1981, at 8:30 AM.

HEARING - Police Grievance re: Ronald Gustafson

Present for the grievance hearing: Police Chief A. Martins, Lt. R. Morgan, Officer Brent Larrabee, Police Association President, George Carey, Grievance Officer, Ronald Gustafson and the Union's Attorney, Neil Colleran. Attorney Colleran stated this is the second step of the grievance in which they are appealing to the Board of Selectmen. To review the grievance, the Attorney stated Officer Gustafson was injured in the line of duty. At a previous hearing, the officer agreed to return to work, which he did, as agreed. The officer was assigned by the Chief to the 4:00 PM to 12:00 midnight shift. The officer requested to be assigned to the midnight shift. According to the Collective Bargaining agreement, Article 6, Section 3, grants senior employees preference.

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HEARING - Police Grievance re: Ronald Gustafson (Continued)

Chairman King recalled that the last time officer Gustafson appeared before the Board the agreement was that he would go back to the 4:00 PM to 12:00 midnight shift. Selectman agreed that also was her recollection.

Chief Martins explained that officer Gustafson had been out of work for some ten months or better -- he had to be replaced -- officer Gustafson returned to work on the 4:00 PM to midnight shift for a while, but he did request the midnight shift.

Attorney Collieran stated he believes the replacements are provisional officers.

Chief Martins stated: "we have professionals working -- whether they're provisionals or regulars, they are all treated alike."

Chairman King recalls the contract reads that "if a vacancy exists the change may come about."

Officer Gustafson stated: "The only reason the Chief gave me when he refused the change was a personality problem."

Officer George Carey stated: "I believe there was another officer who wanted to come to the 4:00 o'clock shift. It would be a one to one swap."

Attorney Collieran: "We are not going to write a new law. We would like to live to the terms of the contract. Someone is willing to swap -- that's all we want. Why not settle it here, if it can be settled?"

J. DelPrete: "Does the officer realize that once he makes that decision to 'swap' he is hooked with that until there is another opening."

A. Martins: "I don't think it's possible to put Gustafson on that shift. On doctor's orders, he's on light duty."

At this point in time, the Board took the matter under advisement.

VOTE:

During the latter part of the meeting, the Board unanimously voted that since officer Gustafson is still on light duty per doctor's orders, the change in shift cannot be justified and denied the grievance.

HEARING - Police Grievance re: Robert Morgan et al

Attorney Neil Collieran reviewed the above-mentioned action which dates back to 1962 -- action based on a complaint filed in the Superior Court. The Action was again reviewed in 1968, alleging there were damages due these officers for working an extra 15 minutes when they came in to work the 4:00 PM to midnight shift to stand roll call. Litigation was begun in 1971 at which point the complaint was dismissed because of a lack of clarity in the complaint.

In 1979/80 the case was again revived. At a pre-trial discovery, the Town attempted to dismiss the case unsuccessfully. We have gone on and done additional work, and the case is again now alive and well. The years prior to 1968 should be covered by the court, the court will make a decision on these damages. The court said those years will be determined through the grievance procedure. Therefore, what we have, is the first six years of the suit being in Superior Court of Middlesex and the last four years through grievance arbitration. Things are happening on this case and we intend to see monetary damages. They are significant to our people. The Town of Natick had a similar court case that prevailed and it was ultimately settled. The amount we are dealing with here is \$1.3 to \$1.45 million. The interest alone is mind-boggling if you try to figure it out. Again, what we want to do is to settle this matter. We prefer to attempt settlement. Each case is totally negotiable by the Town. If we litigate the case, we will go the whole nine yards.

Chairman King to Attorney Collieran: "what are you asking for?"

N. Collieran: "I am asking the Board to settle it informally. We have already asked the Chief to settle it informally, We received no reply at all."

N. Collieran: As further background I offer that in a letter dated November 26, 1980, we were informed the Town's position has been waived. I would hope, certainly, even though this letter was written, we could settle the matter informally.

J. King: There is a technicality here tonight. The Board will take the matter under advisement.

VOTE:

Prior to adjourning, the Board on a motion by John DelPrete which was seconded by C. Lavin, unanimously voted to deny the grievance.

CONFERENCE - School Committee re: impacts of Proposition 2½

Chairman King, on behalf of the Board, welcomed School Committee members J. Conlon, Joyce Lundberg and Peter Donovan who were accompanied by Mr. Rigas Rigopoulos of the School Administration staff.

Mrs. Lavin asked if the School Committee members could just tell this Board what is going on relative to the school closings.

Mr. Conlon told Mrs. Lavin the Committee is trying to come up with priorities. They are just now compiling the information and, hopefully, will have definitive answers by their next meeting which is scheduled for February 3, 1981.

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Letter from the Chairman of the Real Property re: use of Jonathan Maynard School

Mr. Guerrieri reported the second floor of the Jonathan Maynard school is leased to Framingham State College. The Framingham Visiting Nurses have space on the lower floor. They would like one party responsible for the school. Town Counsel believes it is legal to have a primary tenant with the two other tenants working out arrangements among themselves.

Selectman Lavin asked the status of the dollar amounts of the lease. Mr. Guerrieri replied the dollar amounts are to be negotiated.

Mr. Clarke stated the arrangement is set up so that there is agreement whereby the cost of electricity, fuel, maintenance, operation, out-of-pocket cost does not come out of the Town. Arrangements are made so that the building would not be left standing empty. It is just a matter of getting all the dollars together.

J. King: There is a question of parking at the Jonathan Maynard School Will that be the responsibility of the individual tenants? Certainly, the churches have made it clear they will not allow parking on their properties.

M. P. Clarke: Town Engineer, Fred Sergeant, is working on the parking to locate approximately 80 parking spaces. Dr. McCarthy said they would probably try to cooperate with the Town on the parking problem.

Chairman King requested that Mr. Clarke ask Town Counsel to come in next Monday night to further discuss this matter.

Discussion re: Position of Assessor

Chairman King reported the Board of Selectmen have written a letter to the Personnel Board seeking waiver of minimum qualifications for Assessor candidate Karen LaChance. The Personnel Board met this evening, they are now ready to meet with the Board of Selectmen.

Personnel Board members, Norman Powers, Alan Kaplan, Raymond Meserve and Finance Committee representative Phil Ernst came before the Selectmen. Spokesman Norman Powers told the Selectmen: "basically, we will not waive the minimum qualifications. We don't review a person's qualifications until an appointment is made. Qualifications were reviewed by a screening committee. The Board itself does not get involved. In this instance, said Mr. Powers, no name was submitted to us for appointment. No name was submitted for approval for appointment."

Chairman King reviewed that the job was advertised, 19 candidates applied, no one met the minimum qualifications for the job. The job was readvertised, 8 people applied for the position. Three of those candidates met the minimum qualifications for the job.

Mrs. Lavin made the motion that Karen LaChance be appointed assessor. There was no second to the motion. Again, Mrs. Lavin moved that Karen LaChance be appointed assessor and that the matter be referred to the Personnel Board for a waiver of minimum qualifications.

Mr. Powers again explained that minimum qualifications will not be waived if a qualified, suitable candidate is available. We believe a suitable candidate is available.

After some dialogue, Selectman DelPrete made the motion to nominate Karen LaChance Assessor. Mrs. Lavin seconded the motion.

M. P. Clarke read Town Counsel's response to the questions concerning the authority of the Personnel Board. The Personnel bylaw applies to all Town Departments, concluded Mr. Clarke.

Chairman King stated: "we have a motion made and seconded on a candidate whose name is going to the Personnel Board for consent."

A. Kaplan: I believe we are confusing the issue of minimum qualifications in my opinion. If you get down to the final stage there should be verification as to whether the candidates before you did or did not meet qualifications. Determination must be made prior to the vote. The second issue which you placed before us in your letter of January 19, you simply asked for a waiver in the abstract. We agree with you and with what you said. The Personnel Board will make the final determination. In summary, I hope that explains all the issues.

J. King: Mr. Kaplan, I don't think that you have a clarification as far as I am concerned. Only those candidates qualified could be considered by the Board of Selectmen. There were candidates who met all the criteria. However, Mr. DelPrete has a right to make a motion, she has a right to second that motion.

Now, I move to name John Kennedy who has met all the qualifications and is a suitable candidate to the position of assessor.

Mr. King's motion was not seconded.

J. King: I don't think the motion is properly before the Board. The matter will have to be met again.

Upon the Chairman's motion, the Board unanimously voted to table the matter.

Chairman declared a five-minute recess.

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SCHOOL COMMITTEE CONFERENCE (Continued)

Mr. Rigopoulos reported the Administration is considering cuts. The budget as proposed for 1982 has been prepared. This is a straight budget without consideration for Proposition 2½. We are presently in the process of considering the impacts of Proposition 2½. We shall soon be ready to make recommendations; however, no definite plans are concluded for the closing of schools. Class size will determine the recommendations for school closings. At this point in time, we are anticipating we shall lose approximately 700 youngsters a year. Certainly, class size will be a key factor in the number of schools closed.

Joyce Lundberg stated she has asked Administration to give the Committee an idea as to what class size will look like. It appears it will be 30 to 35 students. That would mean the closing of two more schools during 1981/82.

R. Rigopoulos: The North & South High Schools capacities were discussed and it is quite evident there is a possibility one High School will be closed. Decisions should probably be made during February of this year.

J. DelPrete: Potential reuse of the school building will be a strong factor for reconsideration for closing. Appraisal of buildings should be updated. We will need opinions of value for all the schools. After the first year, we have to look at the cost of operation.

J. Lundberg: We are just exploring these things right now. If we can find a suitable place we would move Administration.

J. King: Do you think it would be wise to enter into a lease agreement with the schools such as in the case of Jonathan Maynard school? Just in case we made a mistake and the population reversed, this should be something the School Committee could be thinking about.

R. Rigopoulos: I think you should consider it because it could turn around. No more than six or seven years ago, we were close to a population of 16,000. Today, we are down to 10,400 and we are still going down.

John King: Not long ago the Town was hiring 300 teachers a year.

P. Donovan: Today, we are faced with the opposing dilemma of laying off teachers and closing schools. We are going to have to discuss these matters and we are going to have to determine how best to turn back the buildings so they are bringing some funds to the Town. The Hemenway and Lincoln schools would be most beneficial to the Town. We don't want the School Committee to be in the leasing business.

J. King: The Real Property Committee could make some suggestions to the School Committee.

P. Donovan: The Committee has been doing a great deal of thinking.

J. King: On behalf of the Board of Selectmen, I want to thank you all for coming this evening.

UNSCHEDULED CONFERENCE - Doug Stephan re: Local Bus Transportation

Mr. Stephan was present to report to the Board he has been communicating with the Council on Aging and the Callahan Senior Center regarding bus transportation in the Town. Ms. Michelle Cunha of the Chamber of Commerce who was here earlier this evening had to leave for another meeting, however, the Chamber does support the plan, said Mr. Stephan and he hopes to return before the Board with Ms. Cunha who will express the sentiments of the business community.

Lois Aronstein of the Callahan Senior Center said Mr. Stephan's plan certainly appears to be geared to providing transportation town-wide. This plan could replace the "big" Callahan bus. However, we feel we must continue with the "meals of wheels" and the "escort" special vans since both of these are smaller busses. At this point, the big bus is funded at \$28,000. This plan could perhaps be worthwhile to some of the seniors -- on the other hand, the two vans are funded for \$50,500. Their budget could be set aside and seniors could be given tickets to ride on the "big" bus. We could buy ridership into the system for the \$28,000 amount. At any rate, what we want to do is to guarantee seniors a free ride at least the first year. We want to guarantee that there is free service for seniors.

J. DelPrete: Many things remain to be worked out.

J. King: We should sit down again to discuss all of these matters with all the interested groups. Much remains to be done prior to going to Town meeting for the approval of the Block Grant. The concept is fine. The only thing I want to make clear is that we don't want the elderly people to worry about transportation. We don't want to upset anything that is an ongoing program. What has been proposed certainly is good, if all the pieces can be put together.

D. Stephan: The majority ridership is either students or seniors. We also need the support of the business community and we need these people as the co-ordinators. We'll certainly be back next week. We will try to cooperate with the people who are responsible for the funding. We will surely be here on January 26th.

The Chairman thanked Mr. Stephan and Ms. Aronstein for being here tonight.

Letter from Planning Board re: Framingham Industrial Park

There presently is a court dispute between the court and the county. The Board made the recommendation to hold the \$100,000 bond until such time as this court matter is resolved. The Board further requested that Town Engineer Fred Sergeant stay abreast of this situation.

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Planning Department and Community Development Committee Program Recommendations (Seventh Year - FY '82)  
Request of Human Relations Commission for authorization of part time Senior Clerk/Fair Housing Assistant  
Mrs. Ria McNiff has reviewed her earlier request for \$11,500 and she now seeks \$7,600 for a part time clerical assistant.

Chairman King requests the entire \$11,500 be set aside into a fund for upgrading the south side fire station and the Saxonville Fire Station by installing window caulking and insulating ceilings.

After some dialogue, the Board determined to grant Ms. McNiff's request for clerical assistance and voted to approve her request for \$7,600 and further voted that \$3,400 be placed in a contingency fund, thereby allocating the \$11,000.

Other requests were granted as requested. The Chairman called for a final vote from the Board for the approval of allocation \$645,000. After quickly reviewing the request, John DelPrete made the motion to grant the funds as recommended by the Planning Department and the Community Development Committee with the above-noted exception. Claire Lavin seconded the motion. The Chairman declared the vote unanimous.

Copy of letter from Christy Maltas to HUD re: Purchase of communicator for the deaf community  
The Board noted receipt.

Letter from Town Counsel, Aaron Bikofsky, re: Virginia McKernan  
The Board noted receipt.

Letter from R. McCarthy outlining the activities at General Motors during 1980  
The Board noted receipt.

Distribution of Cherry Sheet Funds

The Board of Selectmen unanimously voted to review with Town Counsel seeking distribution of Cherry Sheet Funds as per MGL Chapter 58, Section 25A which outlines monies should be distributed prior to March 1. Some Towns have voted to move Town meetings to June 30 because of this obstacle. The Town wishes to pursue this matter through Town Counsels' Association in an effort to force the State to come up with the Cherry Sheet by March 1.

Fire Department Overtime  
The Board noted receipt.

Assessor Appointment Matter

Personnel Board Chairman returned to the Board of Selectmen with a memo outlining the Personnel Board's position (memo on file in Selectmen's office)

The Board of Selectmen unanimously voted to reject the entire matter and to table the appointment for the time being.

Chairman called for further new, old, or unfinished business. Hearing none, Selectman DelPrete made the motion to adjourn. Selectman Lavin seconded the motion.

Chairman adjourned the meeting at 11:00 PM.

  
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JOHN F. DELPRETE, CLERK