

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN - FEBRUARY 9, 1981

The regular meeting of the Board of Selectmen was called to order at 7:30 PM. Present: Chairman John F. King, Clerk John F. DelPrete, Selectman Claire F. Lavin, Town Counsel Aaron Bifkosky, and Executive Administrator Matthew P. Clarke.

WARRANTS

#133 - February 9, 1981 - Bills - \$430,424.84
#134 - February 9, 1981 - MRP Program - \$6,087.15
#135 - February 9, 1981 - Payroll - \$1,186,167.80
#136 - February 9, 1981 - Bills - \$294,891.52

AUCTIONEER LICENSES

Benjamin Sandler, 27 Bantry Road
Joel Shapiro, 12 Ivy Lane, Burlington, to be an Auctioneer and to hold an Auction thereat, Howard Johnson Motor Lodge, Route 9, February 13, 1981, 7:00 PM to 10:00 PM - oriental rugs.

COIN OPERATED MACHINE LICENSES

Racquetime of Framingham, 21 Blandin Avenue, 1 machine
Timothy's Spirits Co., 123 Gates Street, 2 machines

COMMON VICTUALER LICENSES

Brigham's, 400 Cochituate Road (Framingham Mall)
China Express, Inc., 341 Cochituate Road
Piccolo's Pizza, 795 Concord Street
Jean F. Dillon Corp. d/b/a J & C Lunch, 39 Hollis Street
Santoro's Sub-Villa, 193 Concord Street
Tanos Pizza, 575 Worcester Road
B. J.'s Diner, 144 Waverly Street
McDonald's, 343 Cochituate Road
Vac Restaurant, Inc. d/b/a Christos Family Restaurant, 16 Irving Street
The Friendly Pizza, 270 Waverly Street
Jim's Lunch, Shoppers' World, Route 9

CLASS II - MOTOR VEHICLE LICENSES

Barb-Chaplin, Inc., 480 Union Avenue
Enio Ferretti d/b/a Framingham Used Auto Sales, 234 Hollis Street
Framingham Auto Wholesale, Inc., 124 - 130 Waverly Street
Small Car Sales, 260 Irving Street

SPECIAL MALT BEVERAGES & WINE LICENSES

Framingham State College - SUAB, College Center Forum, February 27, 1981, 8:00 PM to 1:00 AM.
Framingham State College - Class of 1981, College Center Forum, February 26, 1981, 8:00 PM to 1:00 AM.
Dennison Associates, 1 Bishop Street, February 28, 1981, 6:00 PM to 1:00 AM.
Racquetball Five-0, 50 Speen Street, February 21 & 22, 1981, 12 noon to 11:00 PM.

RATIFICATIONS

Permit to obstruct sidewalk

Frank Chiumento, 8 Union Avenue, installing sign, 2/9 - 2/12/81

Permit to open, occupy & obstruct street

Commonwealth Gas Co.: 159 Concord Street, work completed
Irving Street at Blandin Avenue, work completed

APPOINTMENTS

Special Police Officer - Walter J. Tierney, 5 Wheeler Avenue, Framingham, for a term of one year.

TRAFFIC REGULATIONS

In accordance with the recommendations of Safety Officer Robert Foley, the Board unanimously voted to approve the installations of the following signs:

NO PARKING ANYTIME

1. On Glen Street both sides from Kendall Avenue to the end.

SLIPPERY WHEN WET SYMBOL

1. On Danforth Street at the Bridge approaches

Town Counsel, Aaron Bikofsky, re: Officer Martinis - Appeals Court

Town Counsel, Aaron Bikofsky reported to the Board of Selectmen that officer Martinis' case is in Appeals Court. This case pertains to back pay compensation for the period of time involving about \$17,000, plus interest on the award. The officer was terminated as a police officer in the Town of Framingham.

Claire Burke Cahill, Cushing Hospital Auxiliary re: Cushing Hospital

Mrs. Cahill is before the Board this evening as a result of continuing problems at Cushing Hospital. The Building of two cottages has been delayed for a number of reasons. However, within the past two weeks, Mr. Okin has provided the Governor a list of 200 mental patients he would like brought to Cushing by 1982. The three institutions who would transfer patients are Medfield, Westboro, and Worcester State Hospitals. Mrs. Cahill contends that category patient could never come to Framingham. There are children in the two nearby schools, Keefe Technical School and Barbieri School. Furthermore, people in the neighborhood oppose such a move. There is a dedicated staff at the hospital, but in no manner is that staff adapted to care for mental patients. There are about 600,000 mental health patients in the Commonwealth of Massachusetts -- Framingham cannot be expected to accommodate the proposed patients.

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

FEBRUARY 9, 1981

(2)

CUSHING HOSPITAL DISCUSSION (Continued)

Mrs. Cahill would like the Board of Selectmen to write to the Governor to ask him to come to a meeting either here at the Town hall, or at Cushing Hospital to clearly indicate where we are going at Cushing. Twenty-four years ago, Representative Colonna mandated that the hospital is for geriatric use only. So many things have come on, we would like once and for all to clearly recommend once again that Cushing be part of a complete geriatric complex. We have no opposition to housing for the elderly. Mrs. Cahill believes that if we do have the Governor out here and we explain our situation to him directly, he would understand our situation. We have mandated, as you know, 50-year storm drains and 100-year storm drains. Mrs. Cahill is asking that this Board vote to send a letter to his Excellency the Governor and ask that the Governor clearly define just what Cushing is going to be used for. Framingham wants it to remain a geriatric facility.

J. DelPrete stated he understands there is a problem when you move in mental patients with elderly patients. We can ask the Governor to come out here, but I don't expect him to come out. The next thing for us to do would be to introduce a "Bill" to Legislature. Presently, I find very few people are being admitted to Cushing Hospital. Admissions appear to be closed to all but mental patients. Representative Andrew Rogers has been very active and I would like to ask him to initiate a "Bill".

Mrs. Cahill: I am here this evening to request that this Board invite Governor King to come to Framingham.

C. Lavin: I agree with Mrs. Cahill's request. I am willing to place the request in the form of a motion -- that we shall write the Governor and have him come out here. John DelPrete seconded Mrs. Lavin's motion. Chairman declared the vote unanimous.

J. King: The point Mrs. Cahill is making here tonight is that the problem is here now and we have to take action now. Mr. King is grateful there are people interested on behalf of the elderly. It is through the efforts of Anthony Colonna and Jack Davoran that Cushing Hospital has served the elderly these many years. I applaud your effort, Mrs. Cahill, in coming here tonight. We will work to come up with a long-range plan for that facility. The Chairman thanked Mrs. Cahill for coming in and indicated the Board will continue to cooperate with the Community in an effort to resolve the matter in the best possible way.

Joint Election - Trustees of Edgell Grove Cemetery to elect a member - vice John L. Coon (deceased)

Mrs. Sally M. Brown and Mr. Geoffrey E. Fitts of the Edgell Grove Cemetery were present for a joint election of a Trustee of Edgell Grove Cemetery. After establishing through Town Counsel there is a quorum and that a joint election may take place, Chairman King called for election of a temporary Chairman for the Joint Election. Mrs. Sally M. Brown nominated Dr. George Willis who has indicated willingness to serve and who is a long-time resident to the Board of Trustees of Edgell Grove Cemetery. Mr. DelPrete seconded Mrs. Brown's nomination. Chairman called for a vote by name. Each member voted for Dr. George Willis by name. When five votes were cast, Chairman King declared Dr. George Willis newly elected member of Edgell Grove Cemetery Trustee vice J.L.Coon, deceased.

HEARINGS - Streets for Acceptance

Chairman King called upon Town Counsel Bikofsky to explain exactly what happens when the Town accepts streets. Town Counsel explained that when streets are requested to be accepted by Town meeting, the selectmen request reports of Town Boards to determine whether or not all the work is completed on those streets. Then, if there are no expenditures to the Town for construction or repairs, the Selectmen can request acceptance of streets as public ways at Town meeting. The Engineering Department and the Selectmen's office have received reports from the various Town departments, including the Fire Chief as pertains to the following Streets:

- | | |
|--|--------------------|
| 1. Cavatorta Drive | 6. McCarthy Circle |
| 2. Coe Road | 7. Simpson Drive |
| 3. Crosby Circle | 8. Upton Road |
| 4. Foothill Road | 9. Whiting Road |
| (There is a question of curbing at the end
of this street as raised by residents
Barbara Eastman and Charles Cohen - the
Board anticipates this matter will be
resolved prior to Town meeting. | 10. Willis Street |
| 5. Ledgewood Road | |

The Board unanimously voted to accept the above-named streets.

Framingham resident, Vernon Matheson indicated the boundaries of LaVelle Lane are questionable since they were destroyed by the builder. Because of this problem, the Board unanimously voted to table acceptance of LaVelle Lane until such time as this matter can be resolved satisfactorily.

CONFERENCE - David & Diane Borghi re: submission of Club License application for AMVETS POST #1700 at 86 Bridges Street Extension or for alternate type license to sell alcoholic beverages at same address.

Because their attorney was unable to be present this evening, David and Diane Borghi cancelled their appointment with the Board. They will ask for an appointment at some time in the future.

REPORT: Town Counsel Bikofsky re: Assessor Department

As a result of alleged improprieties in the Assessor Department, Town Counsel questioned seven or eight people. He is here this evening to make his report to the Board.

Town Counsel stated he met separately with Lorraine Regan, Purchasing Agent, John Maguire and George Eck, Assessors. Counsel also met with three clerical employees and with Kevin McDevitt who is now working in Cambridge. Counsel reports there really are two areas to discuss. The progress of the revaluation contract with the Cleminshaw Company. The work is scheduled to be completed September 1, 1981. From recent discussions with the present

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

FEBRUARY 9, 1981

(3)

REPORT: Town Counsel Bikofsky re: Assessor Department

members of the Board of Assessors, both of them see no reason why this work would not be completed, based on the present levels of performance. We are looking for statistics which will be helpful in discussions with the State. Mr. Maguire has submitted a letter to the contractor since it was necessary to change the order as a result of Propostion 2½. There were only a few people in Town doing the work and payments were withheld by the Town. Payments to the contractor are now current and both assessors are satisfied with the contract performance. Initial delay was the result of litigation. The Cleminshaw Company was sued in a separate action by Mr. Eisenhower and there was some delay in initial start to perform the contract. If assessors have further concerns with the contractor, they should contact Mrs. Regan or myself. We would be the people to communicate with the contractor.

The second area of concern is the law suit brought against Mrs. Regan by Mr. Eisenhower. In my conversations with the clerks, they assured me no documents were provided, they did say, however, that Mr. Eck did photocopy some papers while talking with Mr. Eisenhower. If the suit was instituted and we all know it was, any document of the Town files would most likely constitute public records in any event. Mr. Eck apparently was in support of Mr. Eisenhower who was the low bidder. Mr. Eck has had no further contact. The case is over and resolved in favor of the Town. Once a suit is started, I would appreciate it if all communication with anybody on the other side went through my office. People in the assessors office indicated they would do that.

J. King: Mr. Bikofsky, in your discussions with these people, you did not come up with any information that might have been given to Mr. Eisenhower that would adversely affect the Town?

A. Bikofsky: Of the seven or eight people who were questioned, there was no one who knew.

J. King: At no time were any allegations made pertinent to the Board of Assessors. It was one assessor. George Eck. Neither Mr. Maguire nor Mr. McDevitt were involved in this matter at all.

Mrs. Lavin reiterated -- the criticism was directed to one assessor -- Mr. Eck -- that is correct.

Town Counsel continued: I have looked at the minutes of the Assessors' meetings from June, 1980, to December, 1980. There is no reference in the minutes of anything like that. It was after the suit was started, some time in the summer of 1980. As best we know, there were no papers missing from the file. The person in the office who had responsibility for the files was out sick that day. There was no one who had responsibility for the file who was observing what went on. If we were in litigation, sometimes those papers are not given that freely. Without knowing what the paper is, it's hard to speculate. If a paper is in the Town files, it is a public record.

J. DelPrete: What bothers me, is what I read in the media. Reference to the BOARD of Assessors when it was only one assessor who was involved. I would hope that in the future, any time litigation involves the Town, nothing should be given except through Town Counsel. Mrs. Regan knows her areas of concern -- those are primarily with the performance of the Cleminshaw contract. I think she was satisfied.

J. King: Are there further questions on this matter?

Hearing no further comments, the Chairman declared he is glad the matter is being clarified this evening.

Recommendations of Safety Officer to study area vicinity of 933 Old Connecticut Path

Mr. Richard Paul of 933 Old Connecticut Path was present to report to the Board and substantiate the facts as expressed by the Safety Officer. Mr. Paul stated he has a long list of incidents when his house was damaged the most recent being February 3, 1981. Mr. Paul on that date suffered damage to his home and his car was totally destroyed in his driveway. Mr. Paul has been before the Board in the past requesting some protection at this intersection for his property and because of cost, nothing was done. Now, Mr. Paul is afraid his children are in jeopardy and he is asking for some type of barrier. After further dialogue with the three selectmen, Chairman King instructed Mr. Clarke to direct the Town Engineer to go to the property and submit plans for some type of barrier in front of 933 Old Conn. Path. Mr. King concluded there has been enough warning, we should try to get some sort of protective barrier up there. If we have to ask for a transfer of funds from the Finance Committee, we will have to do it. The matter will be placed in the hands of Town Engineer for action. Mr. Paul thanked the Board for being willing to provide some measure of safety.

Memo from Christy Maltas re: continuation of existing local bus service by Suburban Lines

The Chairman welcomed Mr. Doug Stephan who operates Suburban Bus Lines. Mr. Clarke read Mr. Maltas' memo in which three options with advantages and disadvantages were discussed. Mr. Clarke agrees with the Planning Director that subsidizing these routes becomes prohibitive to the Town. There really is no immediate quick fix. It would almost becheaper for the Town to provide a subsidy for taxi service. There is such a small number of people traveling.

Mr. Stephan agreed he can not continue to provide the service as it presently exists. He cannot deal with the intangible things. Some of the cost increase is directly attributable to the cost of fuel. This is a very fringy type of thing. It involves a minimum of three hours of vehicle time a day. It is a very sad state of affairs, but it is just not economically feasible for us to continue this service. Mr. Stephan believes the Town of Natick has reached some sort of solution to their problem in that they are able to prolong their service. Mr. Stephan is willing to look at the School bus availability. There ought to be some way to generate the money and have better transportation.

Mr. King statd this is a time for everyone to work together. He prevailed upon Mr. Stephan to extend the transportation service to the end of the month and stated the Town would continue to work to determine how money can be obtained to provide better transportation service. Mr. King suggested there would be a call to Barry Locke and further believes there could be a possibility of service through the Callahan bus by starting that route a little earlier in the morning. Mr. Stephan agreed to come in again to further discuss transportation possibilities with the Board.

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

FEBRUARY 9, 1981

(4)

Memo from Town Engineer re: intersection of Salem End Road/Gates Street and Badger Road

M. P. Clarke read the letter from the Engineer -- there is no doubt something must be done to improve the sight distance at this location -- it is a scenic road, consequently, there are limitations as to what can be done. The Board voted to propose the residents pay for certain improvements which would be in keeping with the scenic road.

Memo from Town Counsel re: General Laws - Chapter 58, Section 25 A

Under this law, the Cherry Sheets must be provided by March 1 of each year. Town Counsel reports there is some question as to whether or not it has to be distributed. Framingham, with the aid of other cities and towns throughout the Commonwealth are pursuing this matter in the hopes that Cherry Sheets are received prior to Town meetings. The Board voted to note receipt of Counsel's memo. This will be an agenda item 2/26 at MSA.

Letter from Department of Revenue re: minimum standards for qualifications of assessors

Mr. Clarke read the letter from L. Joyce Hampers listing the specific requirements for assessors. The net comment is that qualifications can be established locally and the person selected will have to be required to satisfy the minimum qualifications within a reasonable time.

Mrs. Lavin again stated she would like to discuss Ms. Hamper's letter with the Personnel Board and she again is making the motion to name Karen LaChance. Mrs. Lavin's motion was not seconded.

J. DelPrete made the motion to readvertise the assessor position. Mr. King seconded Mr. DelPrete's motion. The Board so voted 2/0. The selectmen further discussed that the qualifications used be the same as the qualifications used in the past. Mr. DelPrete stated that he believes that with the salaries the Town pays, it could attract a candidate that would be willing to serve in the Town of Framingham.

Letter from Adventure Unlimited re: volunteer clean-up project

This is a group who would volunteer to clean the streets after the marathon. The Board would expect such a project to be coordinated through the Police Department and voted to note receipt.

Copy of letter from Eleanor Story re: local bus service

The Board noted receipt.

Copy of ABCC notice of hearing re: Sea 'N Surf Restaurant

The Board voted to note receipt.

Grace Park Update

The Board voted to note receipt

Letter from Conservation Administrator re: Vacancy - Those interested include: Robert Merusi, Alan Bascom and Clayton W. Steele

The Board took no action and noted receipt of this letter.

Letter to Middlesex County Treasurer

The Board unanimously voted to ask Mr. Clarke to follow-up with the County Treasurer prior to June 30 relative to the monies due the County since the money will revert to the general fund June 30 unless we request a specific carryover. Mr. Clark will write the letter as quickly as possible.

Fire Department overtime

The Board noted receipt.

Letter from Board of Public Works

The Board unanimously voted to note receipt.

Letter from Barry J. Gallant seeking a hearing before the Board of Selectmen

The Board unanimously voted to grant Mr. Gallant some time for a hearing to be arranged through the office.

M. P. Clarke - Report on Proposition 2½

Mr. Clarke reported he met with department heads on Friday, February 6. Everyone is working together to determine the impact of Proposition 2½. It is very difficult in view of the fact that the Cherry Sheet distribution has not been received. The Town Accountant, in concert with the Finance Committee have worked to achieve some sort of order. We have taken each of the individual departments by types of service delivered, removed those things which we cannot change, take the balance of money available, allowing for built-in increase and we have broken it down as closely as possible. We determined that if you eliminate fixed expenses such as the cost of gasoline fuel, etc., and you take just the straight operating cost - normal salaries and wages and M/O doing it on a very straight line basis making it the same percentage as they represent in the current budget -- we use that figure for the individual operation. We gave the figures to the department heads, asked them to review them and return to us by the end of this week so that we can collectively review the impact that will take place in the amount of manning and the effect of services supplied. We have asked in each case that they not panic. You are going to have to make some adjustments from one department to another. Salaries represent 94 to 95 per cent of the total department operation. It goes as low as 80 per cent, depending on the type of department. There 695 employees in the Town outside of the school system. It appears that we are faced with a layoff of approximately 160 to 165 people spread across all of the departments. We have given the task to the individual department heads to take a look at the amount they have to work out making a collective approach so that a recommendation can be made to Town meeting of the best utilization that can be made of the funds that are available. We have a total budget of a maximum of \$55,000,000 as compared to a little over \$60,000,000 that we have now. The School Department will have to work the same way, within their own confines. We are trying to move ahead to soften the impact as much as possible. There will have to be some drastic cuts to every department in the Town. We are planning another meeting with the department heads this week. What we are doing is having responses from each of the department heads with their evaluation of the impact on the individual departments.

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

FEBRUARY 9, 1981

(5)

M. P. Clarke - Report on Proposition 2½ (Continued)

J. DelPrete: Would you talk to department heads about crossing departmental lines?

M. P. Clarke: There will be some crossing of departmental lines as soon as we are sure we have a handle on these matters. We can use people from the park department to serve the tree department and vice versa. Things such as this could cut down on the amount of people that would be laid off. None of these things can be considered, however, until we have the concurrence of the various unions we work with. We want to be sure that we have somewhere accurate figures by departments before we undertake changes. We have five unions that we are working with. All we are doing right now is talking in generalities. This is a critical thing with our people -- they are probably on pins and needles as to where they are going to be tomorrow. People are the important thing that we have to face. These same figures have been given to all of the groups. We could probably have a talk with all individual groups. Statistics vary from department to department and from labor contract to labor contract. Some contracts have no seniority clauses. From our part, we have to adhere to the labor contracts.

E. Harney, Finance Committee Chairman, warned there is a danger the department heads will go off on a tangent because budgets have not been worked out as yet. She cautions that nothing is firm as yet and that department heads must not act hastily and she deplors some actions already brought to her attention.

Mr. Clarke stated he has requested specific policy ruling on the reduction of force from the Personnel Board, separate from those dictated by the labor contract.

J. King: On a weekly basis, I would suggest that all the unions be brought in and given an update as to where we stand regarding Proposition 2½. It is a matter of fine tuning it as to what the layoffs are going to be and people must be informed as to what the position of the Town is going to be. There is nothing more important than the people of Framingham -- they are just as important in government as anyone else. We must communicate with them. It is important to have all these figures and we must give out information as accurately as possible. What we know, people will know. Again, everyone is concerned. We want the people to be fully informed. We also want industry brought in to try to recruit people. We will deal with the problem. We have been interviewed by the Boston Globe who will carry an article on February 13. We cautiously pointed out what it will mean to the average citizen in the Town of Framingham and we want everyone to know all the facts. Prior to the passing of Proposition 2½, we held a total of three meetings. About 50 people attended those meetings. At that time, we had difficulty getting people interested in the meetings.

J. DelPrete: Lack of interest is one of the problems. This does involve people. There are going to be cuts in personnel. We are very proud of the services we are able to offer our people in this Town. Fire and Police assistance responds within two to three minutes. So far, our services really have been great. However, we will have to curtail a lot of services. The people on the South side of Town will be hurt. Proposition 2½ is here and now and we have to deal with it that way.

Mr. Clarke concluded by stating the meetings with department heads will be ongoing.

Chairman called for further new, old, or unfinished business. Hearing none, he called for a motion to adjourn.

Mrs. Lavin made the motion to adjourn. Mr. DelPrete seconded the motion.

Chairman adjourned the meeting at 9:40 PM.



JOHN F. DELPRETE, CLERK