

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN - MARCH 16, 1981

The regular meeting of the Board of Selectmen convened at 7:30 PM. Present: Chairman John F. King, Clerk John F. DelPrete, Selectman Claire F. Lavin and Executive Administrator Matthew P. Clarke.

WARRANTS

#153 - March 16, 1981 - Bills - \$186,535.37
#154 - March 16, 1981 - Community Development Block Grant - \$10,303.99
#155 - March 16, 1981 - Paryoll - \$337,754.01
#156 - March 16, 1981 - Bills - \$267,860.55

BOWLING ALLEY LICENSE

Bowlerama, Inc., 110 Mt. Wayte Avenue, 4 Pool Tables and 36 Bowling Alleys.

COIN OPERATED MACHINE LICENSE

Bowlerama, Inc., 110 Mt. Wayte Avenue, 15 machines

MOTOR VEHICLE LICENSE

Class I - Gaston A. Andrey, 1800 Worcester Road

SECOND HAND ARTICLES LICENSE

The Jewelry Tree, 937 Worcester Road (to expire 5/1/81)

SPECIAL MALT BEVERAGES & WINE LICENSES

Framingham State College (SUAB), Dwight Gym, March 20, 1981, 8:00 PM to 12:00 Midnight
" " " " " " March 21, 1981, 8:00 PM to 12:00 Midnight
" " " " College Center West Lounge/Forum, 8:00 PM to 12:00 Midnight, April 3, 1981

SUNDAY ENTERTAINMENT LICENSES

Bowlerama, Inc., 110 Mt. Wayte Avenue, pool tables, 2/8/81 - 1/31/82
Bowlerama, Inc., 110 Mt. Wayte Avenue, two groups of coin operated machines, 2/8/81 - 1/31/82
St. Tarcisius Parish Festival, St. Tarcisius Parish Property - Waverly Street, 20 different rides and booths, June 14, 1981, from 1:00 PM to 10:00 PM.

RATIFICATIONS

Permit to open, occupy and obstruct streets

H. V. Collins, at Hartford and Concord Streets, 3/10 - 3/12/81
Boston Edison Company, 25 Evergreen Street, 2/3 - 4/2/81
Commonwealth Gas Company: 483 Belknap Road 3/16/81 - 3/19/81
39 Jodie Road, 3/16 - 3/19/81
4 Tripp Street, 2/19 - 3/20/81
4 Saxony Road, work completed 11/21 - 11/13/80
Larrabee Avenue at Conant Road and at 35' north of Conant Road, 2/25 - 2/30/81
10 Conant Road - 2/25 - 6/30/81
21 DeSoto Avenue, 2/25 - 6/30/81
Daytona Avenue at Waverly Street at Conant and at DeSoto Avenue, 2/25-6/30/81
Wilde Avenue at Conant Road, 2/25 - 6/30/81
Lot #4 Grove Street (in conjunction with lots #1,2,3, Maynard Road) 12/5/80
Grove Street into Shady Lane, new lot development, 12/8/80
30 Whitney Avenue, 11/6- 11/7/80
242 Winthrop Street, 3/18 - 3/20/81

HEARINGS

1. JO Petition NET&TCO and EDISON COMPANY

Francis Brown and Carol Clinton who represent NET&TCO and the Boston Edison Company respectively, sought permission to erect and maintain one (1) JO pole and wires on Pleasant Street (Route 30) southerly side approximately 1196 feet west of Woodmere Road. Hearing no opposition, Mrs. Lavin made the motion to grant said request. Selectman DelPrete seconded the motion and he declared the vote 2/0.

2. Edison Petition - Grove Street

Ms. Clinton, on behalf of the Boston Edison Company sought to locate line and conduits on Grove Street, remove Pole #60 and replace a pole across the street, southeasterly, approximately 240 feet southeast of Maynard Road, a distance of about 12 feet. Hearing no opposition, Mrs. Lavin made the motion to grant said request. Selectman DelPrete seconded the motion and he declared the vote 2/0. As is usual, Mr. King absented himself from both hearings.

As a result of last week's hearing, Mr. Brown reported to the Board he has met with Mr. Seaver of Concord Street. Together, Mr. Brown and Mr. Seaver staked the location in front of his business. Mr. Brown reports the matter is now resolved to the satisfaction of Mr. Seaver and the Telephone Company.

Having no further business, Ms. Clinton and Mr. Brown were excused.

CONFERENCE - Attorney Robert G. Parks re: License granted to Quickway Transportation, Inc. to operate motor vehicles through certain Framingham streets

Attorney Robert Parks of 20 Walnut Street, Wellesley Hills was present with his client, Bruce McWilliam, owner of Quickway Transportation Company. John Thompson, owner of Tommy's Taxi, Framingham, also was present for this conference.

Attorney Parks stated he has received the Board's correspondence of March 6, relative to the license to operate previously issued by this Board. The Attorney stated they are present this evening to give any further information to the Board to assist in clarifying the matter. The attorney stated they were before the Board in February at which time they presented in some detail what the company anticipates to do.

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CONFERENCE - Attorney Robert G. Parks (continued)

J. Thompson objects, stating that his company offers the same type of service.

Attorney Parks said he would like to try to handle this matter in stages. Taxis are always available at Logan airport. They are also available on a share-a-ride concept. The Attorney submits that it is the intent of Quickway Transportation Company to cover scheduled service at the two stops proposed -- Koala Inn and the Sheraton Tara. They would intend to arrive and depart at the same time each day. They will provide service every hour or every hour and a half. It would be cheaper for an individual to buy a ticket on a twelve passenger coach than it would be to rent a taxi. The advantage of this type of limousine service is in the fact that the transportation will result in other stops in towns such as Northboro, Southboro, Westboro, Shrewsbury and Worcester. Hopefully, we would not be competing with, nor hurting taxi operators.

J. Thompson: I would like to ask what their fare would be per person from Framingham to Logan Airport.

B. McWilliams: I can only give you an estimate. The fare will be somewhere in the vicinity of \$10 per person, based on 1979, 1980, cost of operation.

J. Thompson: You can't solicit at Logan any more than we can. If the Board allows this service to come in, it will not be long before I will have to be before this Board to seek rate hikes for the local service. The last time we had to raise the local rates, business dropped 30 per cent. We are the major carrier, and we live under a bylaw which is passed by the Board. We are obligated to pick up passengers and we get paid according to the meter. Usually, there are two or three passengers going to Logan from Framingham in a cab. I don't see that a limousine is going to help at all, once they get to Logan they cannot solicit any more than we can.

R. Parks: We have conferred with officials at Logan for other scheduled runs -- particularly, one to Cape Cod. They do allow schedule service in and out of the airport. That is handled differently in that a location is usually set up where Quickway would pick up tickets for places such as Worcester. The issuance of this license from the other Towns will leave us with no requirement to indicate when and if we do obtain the DPU license, that is something we would work out with the airport in terms of a fee which is a small percentage of the total fares in and out of the airport which is set by the airport authority. Obviously, we could not go into a taxi type operation. Whether or not the Town issues a license, we have already made application to the DPU. There will be a hearing.

J. King: By Town bylaw, Mr. Thompson has to provide certain types of service. Mr. Thompson pays excise tax as well as property tax to the Town of Framingham. We have experienced transportation difficulties in Framingham because of the Department of Public Utilities.

J. DelPrete: I can understand that you will appear before the DPU and I can understand that the DPU doesn't care about the economics of Framingham. That is something we have to weigh. We have gone through that at least three times, with the Greylines, with Wellesley Fells Bus Lines, and with Suburban Bus Lines. One problem we have had in Framingham as long as I can remember is moving people around. We have to take into consideration is that our people need and want to go to work. We are looking at two separate things. I fully understand the point Mr. Parks makes on the law. I can understand Mr. Thompson's problem and I respect him because he is laying his problem out. Mr. Thompson does pay taxes in Framingham, as a homeowner as well as for the vehicles he has on the road.

R. Parks: I totally appreciate the position that you folks are in - in representing the townspeople of Framingham, you must certainly evaluate the situation of offering service to the people of Framingham. I would like to address the concern that you have about the service that the DPU has authorized. As you know, the service originated in Worcester with the terminating point being downtown Boston when Greylines serviced the area. Service to Logan was a supplemental service. Any individual trying to get to Logan was unable to do so. We hope to provide a consistent service.

B. McWilliams: We are trying to serve the needs of families traveling. As a result of being associated with Young's travel service, we believe there is a need for limousine service. We want to make the service available to the residents of Framingham in the form of an eleven-passenger service. Our service could be offered at a lower cost, but it does not provide door to door service that some people seek. That could even enhance the taxi business. Those people seeking door to door service would still choose a taxi service.

Mr. Thompson stated he provides service to Logan at a cost of \$28 for one or two persons and for three persons in a cab at \$32.

B. McWilliam stated he provides service to Logan at a cost of \$10 a person. We would anticipate to service the people to whom we sell vacation packages. Our concern is to make a convenient, economic way of getting Logan airport available to the people. It is simply not practical for people to take their cars into Logan -- it will be easier to take the limousine into Logan.

J. Thompson stated he doubts very much that even a limousine service would drive many families into Logan. The business people who go to the Tara are the ones likely to be picked up there. Mr. Thompson again stated he pays excise tax, income tax, and he has a payroll of a quarter of a million dollars a year in this Town. He believes taxi service capable of handling the Koala and Tara clientele, otherwise, he will be back before this Board to seek a substantial raise for local fares.

Mrs. Lavin asked Mr. Thompson how much business he does going to Logan airport each day.

Mr. Thompson replied his company makes from 20 to 30 trips to Logan each day servicing industry and such places as the Fay School and St. Mark School.

Mr. McWilliam stated he wants to be heard before the DPU -- his service wants to stop between Worcester and Boston.

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CONFERENCE - Attorney Robert G. Parks (continued)

Mr. DelPrete told Mr. Thompson, if Mr. McWilliams wishes to go to the DPU he is free to do so.

Mr. Thompson stated he prefers not to go to the DPU.

The Board voted unanimously to take this matter under advisement. The Quickway Transportation Company will not be granted a local license at this point in time.

CONFERENCE - Morton St./Taralli Terrace residents re: Baker Fence Company - noise problem

Mr. Gene Messina and Mr. Fred Ziman of Taralli Terrace were present to object to the noise problem in their area. Apparently, complaints have been entered, the police have investigated, Baker Fence Co. has been notified that work should not start prior to 7:00 AM, yet at some times during the year, the trucks are loaded as early as 4:30 AM. The Police did check today and reported there was no activity at Baker Fence prior to 6:00 AM. However, Fantoni Construction Company did make quite a bit of noise which resulted in their starting a diesel truck.

Building Commissioner George Seeley stated that in the past, he has investigated this matter several times and he believed until today that it was under control and that Baker Fence Company is indicating a spirit of cooperation. If the noise persists, they could be taken to the ZBA on the question of industrial vs residential zoning. There are other businesses in the area -- these people should also be contacted. I basically believe it is a public nuisance and it should be a police matter.

Mr. DelPrete stated what makes it difficult is that there is industry in a general residence area. There isn't an easy way to resolve this matter.

Mr. Seeley: We can go to the Zoning Board and take control of their actions that way. We were under the impression that Baker Fence have been minding their manners.

Mr. Messina: They have been starting before 7:00 AM. Sunday, February 15, they were making noise very early and it continued throughout the day. One of the neighbors is a Guard at Walpole who works nights. He gets no rest at all. It is a problem to the neighbors.

J. King: What are the Police enforcement powers?

G. Seeley: They can take them to court on a public or private nuisance charge.

J. King: If that is the case, Mr. Clarke and Mr. Seeley will work together to bring this matter to the attention of the Police Chief tomorrow. Everyone will be aware of what the responsibility is. Chief Martins and Mr. Seeley will get together to again try to resolve the matter; hopefully, through a spirit of cooperation.

Selectman Lavin believes it might be wise for this Board to write a letter to Baker Fence Company indicating the expectation of mutual respect by everyone in the area.

Recommendation of Safety Officer re: request for resident parking on Evergreen Street

The Board noted receipt of the Safety Officer's recommendation. Residents Fitzpatrick and Linehan of Evergreen Street asked the Selectmen this evening, in a desperate plea, to have "Resident Parking" only signs in front of their homes because people park not only in front of their homes all day and through the evenings, but some people park in their private driveways as well so that the residents cannot approach their own properties upon their return from work. After brief discussion, the Board voted unanimously to grant RESIDENT PARKING ONLY signs in front of:

1. #10 Evergreen Street
2. #28 Evergreen Street

Purchasing
Request of _____ Agent for exemption to Purchasing Bylaw 9-N to purchase equipment for Board of Assessors
(letter attached)

The Assessors are hoping to purchase a Radio Shack Model II Computer System at \$7,500. The Purchasing Agent substantiates her request by indicating that funding is currently available in the assessors' budget. Selectman DelPrete said the Board has been talking about this purchase for a year now -- the assessors have talked with different concerns, however, this particular unit has the software available for their specific use. Mr. DelPrete wants to be reassured this evening that this unit will not duplicate the work that the outside revaluation team is presently doing.

Mr. Clarke replied that as far as he knows, the computer will not duplicate any effort -- it will have little or nothing to do with the revaluation that is going on in the industrial and the retail application. This application will revalue home-owner properties.

Jim Dwyer of the Finance Committee has a question: "I know they ^{have} money in their budget -- this is a line item that comes under the heading of new equipment, however, he is not sure they can make the purchase without advertising and going out to bid. It may not be legal to bypass the bidding procedure.

J. King: Money is budgeted for a particular purpose in the amount of \$7,500 -- however -- what we should do is to get a ruling from Town Counsel as to whether it meets the expectation of the general laws. We should get approval of Town Counsel and some sort of recommendation from the Finance Committee in view of the ongoing budget revisions.

C. Lavin: Since the money is budgeted I move to approve the expenditure of \$7,500 for the purchase of the computer.

J. DelPrete: Mr. Clarke, you have talked this matter over with the Assessors.

M. P. Clarke: Yes. I am concerned that we have to get evaluation figures in time for the State Revenue Department by the end of May. We are scheduled to have our figures in by June 1. We will have to move quickly on this matter to soften the impact of 2½ -- even with the computer they will have a difficult time to meet the schedule. There are approximately 12,500 single family residences in Framingham at the present time.

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Request of Purchasing Agent for exemption to Purchasing Bylaw 9-N (Continued)

The Board voted unanimously to approve the Purchasing Bylaw exemption provided Town Counsel agrees it may be done legally. As soon as Town Counsel sends his opinion the Assessors may go ahead.

Letter from Planning Board Chairman re: Zoning Bylaw

Upon review, the Board of Selectmen voted unanimously to refer this matter to Planning Director Christy Maltas.

Letter from Attorney Stephen C. Limone requesting 2:00 AM closing on Saturdays for the purpose of serving food only at the Sam Pan Restaurant, Concord Street

Selectman Lavin asked whether any other restaurant enjoys this privilege in Framingham.

Mr. Clarke replied he is not aware of any, however, we would have to check all licenses in order to be sure.

J. DelPrete stated he has no objection to the food service until 2:00 AM as long as the licensee complies with the liquor laws.

Ms. Lavin objects to the request stating the police already have problems in downtown Framingham -- such a permit will increase the duties of the police at a time when we are trying to cut down on the police force. I am opposed to granting a 2:00 o'clock closing -- and I so make that motion.

J. King: I will second Mrs. Lavin's motion. The Board so voted 2/0 with Mr. DelPrete opposed.

Letter from Michael J. Norris for permission to submit application of The Deli, Inc. for an All Alcoholic Beverages License

The Board voted unanimously to invite Mr. Norris to come in to be heard by the Board.

Decision of Alcoholic Beverages Control Commission re: suspension of license of Framingham S & S Corporation for three (3) days.

Upon motion by John DelPrete, seconded by C. Lavin, the Board voted unanimously to impose the suspension of the All Alcoholic Beverages License of the S & S Corporation three successive days, April 6, 7, and 8, 1981.

Petition from Memorial Building employees (signed by approximately 100 persons) re: provision of parking for employees

Mr. Clarke told the Board there is not enough space for people to park in the back of this building.

Mrs. Lavin suggested asking the Board of Library Trustees to look into this matter, and further suggested that with a sticker system, people could park on the third floor of the library garage.

J. King said he understands that we have an obligation to provide parking space for the people who work here. We must take a look at the overall picture of parking. Mr. King asked Mr. Clarke to review the matter and, hopefully, return to this Board with a parking plan by next week.

Letter from Executive Office of Environmental Affairs re: Farm Pond Financing

This letter is relative to the ongoing project at Farm Pond. The Board voted to note receipt.

Notice of payment to Town of Framingham by Community Cablevision in the amount of \$2,765

The Board noted receipt of the Town's share of revenue from 5,530 subscribers to CATV.

Letter from downtown merchants re: metered parking

There are four letters re: downtown parking meters. Ms. Cunha of the Chamber of Commerce will have an analysis of merchant sentiment prepared. A cost analysis of getting the meters back into service is being prepared -- final figures should be ready quite soon now. Chairman requested that both groups come before the Board next week to discuss this matter. In the meanwhile the Board is suggesting that a ban be placed in all street parking until 9:00 AM.

Framingham State College -- Campus Noise Problem

There remains an ongoing noise problem at the State College Campus. Selectman Lavin requested that the College President, Justin McCarthy and Dennis Golden be invited to come before the Board next Monday night along with abutting residents, Ken Assirin, Mr. Mitchell, and Mr. Tartufi to determine what the college plans to do next September.

County Budget Advisory Board Hearing

Mr. Clarke and Mr. DelPrete attended the County Budget Advisory Board Hearing last Saturday -- the budgets were received late Friday afternoon so there was no time to review them prior to the hearing. Mr. DelPrete and Mr. Clarke found the meeting most frustrating and hardly enlightening.

Aegean Restaurant All Alcoholic Beverage License

The Board received an official vote from the Governing Board of the Wesley Methodist Church opposing the granting of the All Alcoholic Beverage License at the Aegean Restaurant on Beacon Street. The Board noted receipt of the Church's Governing Board letter.

Letter from Chairman Gallagher of the School Committee

Mr. Gallagher reports that Chris Canavan has agreed to meet the question of funding for summer payments for the teachers with the School Committee on March 31. Mrs. Lavin stated she would like to attend that meeting.

Finance Committee Budget Review

The Finance Committee has requested to review budgets at their regular meeting at 8:00 PM on Thursday evening. The only budgets not received so far are the Public Works budgets and the School budgets. The Public Works budget is expected by March 25, however, it is not certain when the School budget will come in. As of the last School Committee meeting they had not met their levels of reduction, now they again have to see where they are going to cut, consequently they have not given a date as to when the budget will be ready.

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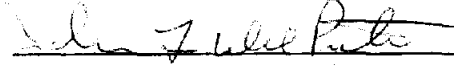
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Fire Department Overtime
The Board noted receipt.

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

Chairman adjourned the meeting at 9:10 PM.



JOHN F. DELPRETE, CLERK