

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN - MARCH 23, 1981

WARRANTS

#157 - March 23, 1981 - Bills \$431,383.88
#158 - March 23, 1981 - Block Grant - \$1,535.33
#159 - March 23, 1981 - Payroll - \$1,019,584.20
#160 - March 23, 1981 - Bills - \$74,123.85

AUCTIONEER LICENSE

Joel Shapiro, 12 Ivy Lane, Burlington, to be an auctioneer and to hold an auction at Howard Johnson Motor Lodge, Route 9 (Worcester Road) Monday, April 27, 1981, oriental rugs. Viewing 6:00 PM to 7:00 PM - Auction: 7:00 PM to 10:00 PM.

AMUSEMENT LICENSE

W. B. McGonigle, Jr., Inc. d/b/a Putt-Putt Golf - 1 Worcester Road, Shoppers' World, March through October, 1981, from 9:00 AM to 12:00 Midnight - Miniature Golf Course.

MOTOR VEHICLE LICENSES

Class I - R. H. Long Motor Sales Co., 624 - 635 Waverly Street
Crown Chevrolet, Inc., 550 Union Avenue

RATIFICATIONS

Permit to obstruct sidewalk: American Stone Fixture Co., 8 Union Avenue, 3/23/81 - 4/7/81, new store front.

APPOINTMENT

Constable - Edward P. Croatti, 10 Weybossett Avenue, Framingham, for a term of three years.

CHANGE OF MANAGER - LIQUOR LICENSE

It was voted to grant change of manager to the Framingham Post #929 Veterans of Foreign Wars of the U. S., Inc. 74-76 Pearl Street, Framingham, subject to the approval of the Alcoholic Beverages Control Commission, from Ronald H. Barber, present manager to Paul Hagerty, Sr., new manager, All Alcoholic Club license.

Presentation of Proclamation - March of Dimes - Walk-A-America

M. P. Clarke read the March of Dimes Walk-A-America Proclamation. Arlene Aaron, P. R. Director for the March of Dimes and Stan Berkowitz of Zayre Corporation were present to accept the proclamation on behalf of the March of Dimes for the Mass Bay Chapter which is one of the 20 walks which will take place. The organization is coming back to Framingham because of the support received last year. There are approximately 250,000 infants born every year with birth defects, the organization is doing the best it can to help fight birth defects. There will be walks around the United States hoping to raise money to help fight birth defects. At least a quarter of a million dollars was raised through Zayre employee budgets, said Mr. Berkowitz.

Mr. King told the representatives: "we want you to know that we appreciate the work you do."

Mrs. Lavin: We congratulate you for your efforts on our behalf.

Mr. DelPrete: We all know what the March of Dimes has done especially for Polio victims. Now, with birth defects, perhaps we can look forward to vast improvements in that area. We are 100 per cent with you on anything you do on the March of Dimes.

CONFERENCE - Bob Grossman of Jewish Workshop IV re: Request for Carnival License, May 4 - 10, 1981

Mr. Grossman asked for a carnival license May 4 through 10 at the corner of Mt. Wayte Avenue and Franklin Street at the shopping center. The Board requested that Mr. Grossman contact the Chief of Police and his representative to be certain that the games are approved. Mr. Grossman was also asked to have the Building Commissioner inspect the rides in an effort to protect the youngsters. There is great concern for the protection of the children since there is a great deal of traffic at that location.

Mrs. Lavin asked what the hours of the carnival will be.

Mr. Grossman replied that weekdays, the carnival will be held from 6 to 10 PM, Friday night, from 6 to 11 PM and Saturday, from 1:00 PM to 10:00 PM.

Mr. DelPrete wanted to be reassured the dates are not in conflict with B'nai B'rith or any other carnival. Mr. Grossman said he believes there will be no conflict.

Mr. King requested Chief Martins' opinion of having a carnival in Framingham.

Chief Martins replied he has always objected to carnivals in Framingham, but this Board has seen it fit to grant carnival permits so the Police Department cooperates.

Chairman King replied that most organizations use the monies to help youngsters to go on to school, certainly, that is worthy. We know it creates problems for the Police Department, but we would ask you to cooperate.

A. Martins: We will cooperate to the fullest.

R. Grossman: We will also cooperate to the fullest.

J. DelPrete: I move to grant the carnival license May 4 to May 10. Mrs. Lavin: I second the motion. Chairman King the vote unanimous -- permit granted.

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CONFERENCE - Youth Commission re: Application for Grant

Susan Getman, Youth Coordinator and M. Sofio, Chairman of the Framingham Youth Commission were present with Attorney John LaChance, member of the Youth Commission to seek permission for funding for the Youth Program. Ms. Getman explained that with the advent of Proposition 2½ the funds were severely cut -- the budget crunch will hurt the Youth Commission's target population. The budget crunch will hurt the Youth Commissions target population.

Ms. Sofio said she has been working with Ms. Getman through the Middlesex Court. Many young people are being helped through the efforts of the Youth Commission.

Ms. Getman said she has been working with the Finance Committee on their budget reductions -- just now, they are looking at \$1,300. They will need, roughly, \$21,000 to operate between July 1, 1981 through June 20, 1982. The funding will pick up the salary and fringe of a full time person. It means, however, that we will have to service some young people from Natick as well as our Framingham population. If we look at what we have needed, our budget is \$70,000. What they have given us is \$62,000 and we have to meet the cost of living and the inflationary increases. We have a contract with the Department of Mental Health. Those services are also available to other communities besides Framingham. Even though we work with communities outside of Framingham, anything we do in these areas is well worth the money. What we will do if we can go along with this Phase I Program within the next two weeks, we will be approaching Mr. DelPrete as the Clerk of the Board of Selectmen to sign the Purchase of Agreement which is to start on July 9.

J. King: Last week, I was with Bob Clifford of the Framingham District Court. He is very impressed with the job you people do dealing with the youngsters.

Mr. DelPrete moved to allow Ms. Getman to apply for the Grant. Mrs. Lavin seconded the motion. Chairman declared the vote unanimous. Ms. Getman said she would be coming in shortly for Mr. DelPrete to sign the documents as Clerk for the Board of Selectmen.

MSPCA TRAFFIC PROBLEM - BADGER ROAD AREA

Letter from Safety Officer re: Parking Regulations - Streets adjacent to MSPCA Property

Mr. Sam Tract was recognized by the Chairman in an unscheduled appearance before the Board.

Mr. Clarke reported that Town Counsel's response relative to the neighbor's concerns was received late this afternoon. The Board has not had the opportunity to review the response. The parking restrictions were sent to Police Chief Martins. The Board requested that Mr. Tract explain to the residents the impact of "Residential Only" parking restriction quite carefully before it is adopted, and they voted unanimously to table this matter on the parking restrictions until next week. The Chairman further declared that a motion is in order to adopt the NO PARKING - TOW ZONE regulation.

Mr. DelPrete so moved that "NO PARKING - TOW ZONE" - Salem End Road -- from Temple Street to Lantern Lane - Singletary Lane from Salem End Road to Hickory Hill Lane, Badger Road -- from Salem End Road to Farley Drive -- Gates Street -- from Parker Road to Country Club Lane -- Parker Road from Salem End Road to Gates Street. Mr. DelPrete further moved to post "NOT A THROUGH STREET" -- at Gryzboska Circle Both Ends and Cherry Oca Lane. Mrs. Lavin seconded Mr. DelPrete's motion. Chairman declared the vote unanimous. The Board further requested Mr. Tract, on behalf of the Badger Road area neighbors return before the Board within the next week or so.

Letter from Big W Transportation, Inc. requesting permission to operate motor vehicles for hire along streets in Town

M. P. Clarke read the request for the Board, concluding that if the Board so wishes to hear Big W Transportation, Inc., a formal hearing will be scheduled.

Mr. Tract pointed out that the idea of parking cars on the mountain, transporting people to the MSPCA site by bus is not practical since there is no room for two vehicles to meet. The bridge will only accommodate eight tons and there is an excess of weight that just cannot be permitted over those roads. When MSPCA were allowed to go there, the bylaw specifically stated there would be three people per car. There are 157 parking spaces plus another 157 spaces to park on the grass -- that will fill the area with at least 950 people. We are compelled to ask that the Macomber people pay for policing this area when there is an excessive amount of traffic.

Chairman King stated the safety of the bridge at Salem End Road, as well as the question of policing the area, are questions which should be addressed when the group next meets.

Mrs. Lavin indicated the present plans are not acceptable. She totally objects indicating there will have to be a better plan.

Mr. DelPrete reminded the group that this Board's decision may be overridden by the DPU.

Mr. King stated this Board must do everything it can to maintain the prevailing characteristic of the neighborhood as much as possible.

Mr. Tract agreed to return before this Board April 6, 1981, on behalf of his neighborhood group.

HEARING - Transfer of ownership of Wines & Malt Beverages Package Store License from William Hoey to John C. Mercer & Thomas H. Sweeney at same location, 818 Waverly Street

Prospective buysers, Tom Sweeney and John Mercer were present with the seller, William Hoey. Mr. Hoey indicated to the Board that after 10 years in business, he is selling the entire business, in addition to the license to sell wines and malt beverages at this location.

Mr. DelPrete asked Mr. Sweeney whether he has ever been associated with the sale of alcoholic beverages in the Town of Framingham. Mr. Sweeney indicated he has not; whereupon Mr. DelPrete stated this Board comes down drastically hard if an establishment sells to minors. I would hate to have to pull you in here for such sales.

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HEARING - Transfer of ownership of Wines & Malt Beverages Package Store License at 818 Waverly Street (continued)
We would prefer not to have to see you in here again -- for any reason.

T. Sweeney: It's going to be run without problems. We will check identifications. I understand how you work down here. (Mr. Sweeney presented the chairman with the return receipts from property abutters who have been notified of the transfer.

A representative of Capeway Foods, Inc., 55 Mill Street, Medfield, MA, sought to discuss monies owed for food purchased from this firm by the Framingham Deli-Mart.

The Chairman recognized Mr. A. Ferrar on behalf of Capeway Foods, Inc., however, he informed him that the hearing this evening concerns itself solely with the transfer of the wine and malt beverages package store license.

J. DelPrete moved to grant the transfer of the license at 818 Waverly Street. Mrs. Lavin seconded the motion. Chairman declared the vote unanimous. The proper documentation will be forwarded to the ABCC for final approval.

HEARING - Police Grievance - Ronald Gustafson 1/14/81

The Board of Selectmen reviewed the facts presented during the grievance hearing by Officer Ronald Gustafson, Union representatives, Sgt. Brent Larrabee and George Carey, Labor Counsel Neil Rossman and Chief of the Department, A. Martins. The Board unanimously voted to request further information from Dr. David Moore as to Mr. Gustafson's physical condition at the time he returned to work as well as the doctor's definition of "light duty" for the officer. The Board tabled this grievance until further information is obtained from the physician. The Board further requested a time limit extension from the union for their reply in view of the work which must be done relative to this matter to obtain the necessary facts. The vote to table the matter tonight is unanimous.

HEARING - Police Grievance - Ronald Gustafson - 1/29/81

The Board of Selectmen reviewed the facts presented by Officer Ronald Gustafson, Union representatives, Sgt. Brent Larrabee and George Carey, Labor Counsel Neil Rossman and Chief A. Martins. The Selectmen voted unanimously to uphold the claim of the officer that he was ordered (in writing) to report for a liquor violation hearing on 1/19/81 and as a result should be paid for the off-duty time required to meet that order. The claim for off-duty payment is justified under the terms of the existing labor agreement. The Chief will arrange for the required payment.

HEARING - Liquor Violation re: Italian-American Club, 35 South Street

Chairman King swore in the people who expect to speak. Sgt. McCarthy, the officer who investigated the incident read his report. Tickets had been printed and sold to people on the street for \$3 each to the public for this function. The Selectmen indicated that the sale of tickets to the public is not the intent of a "Club" license. After some questioning, it was determined that the people at the door were, in fact, collecting tickets for admission, they were not checking ID's. The officers, after checking ID's, found many people left the establishment. Chairman King suggested that if the Veteran's Club cannot afford an attorney, Town Counsel should explain the conditions of a "Club" license. Prior to adjourning the meeting, Mrs. Lavin stated she believes a two-day suspension would be in order. After some deliberation, the Board voted 2/0 on Mr. DelPrete motion and Mr. King's second to write a strong letter of censure, indicating to the officers of the club that the next offense will mean a suspension of the license. Mrs. Lavin abstained from the vote.

CONFERENCE - Review of Air Rights - Framingham Union Hospital

Attorney John Garrahan was present to answer questions the abutters may have. Town Counsel Aaron Bikofsky stated the maximum height is two stories at 30 feet for a total of 60 feet high. Any developer who wants to use air rights will have to go before the ZBA for a variance. This is a very preliminary stage of the proceedings. The Board of Selectmen can merely solicit proposals at this point for the development of these air rights. At the end of the 90 days, when the proposals are actually placed in front of the Board, if no proposal is in the best interest of the community, the process can be stopped right there. If it appears to be in the best interest of the community, it can then proceed to Town meeting; even if Town meeting ultimately approved, then the Board of Selectmen still has the final authority to go forward with the plans or not. As to whether the matter is properly before the Board this evening, it is.

Dana Linehan, an abutter, asked for permission to show a drawing which relates to the highest limit of the building which he believes will be 80 feet as compared to his home, directly next to the proposed building which is only 20 feet high.

Again, Town Counsel Bikofsky stated none of this can be done without the approval of the ZBA.

Through the Chair, Attorney Garrahan requested to make a correction. The total height above-ground is anticipated to be 60 feet.

Chairman King asked the distance between the proposed building and the Linehan property. It was agreed to be 12.5 feet from the end of one building to the garage and 44 feet from the structure to the house and it is 8.0 feet to the lot line.

Mrs. Herendeen an Evergreen Street property owner and resident has concerns that parking has been and continues to be a major problem. She would like to know whether it will continue to be a problem in the future.

Attorney Garrahan stated the hospital has given an overview of the property the hospital has been acquiring over the last 2½ years. St. Stephen's Church provides 280 parking spaces. The hospital also leases the old Framingham Lumber property which provides 250 parking spaces. The completion of the new construction of the emergency room should make available another 110 parking spaces. In addition, the hospital has purchased the old Wadsworth Funeral Home, the Hoffman property and the Suburban Credit Union property -- two other properties on DeLoss Street.

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CONFERENCE - Review of Air Rights - (Continued)

Upon completion of the new facilities, the Anderson Clinic and Dr. Kendall's offices will be removed from Evergreen Street to provide more parking. There will be approximately 2,200 parking spaces in total. We have turned the hospital around so that the entrance faces Lincoln Street. Through proper planning, we have made a substantial contribution to safety. We believe we will have sufficient parking area.

Maurice Costin who lives on Beech Street finds the fundamental issue to be that of parking facilities based on what has already occurred. It is a problem which must be addressed at the beginning of any undertaking.

J. DelPrete: Before any building is proposed, there is no building that is going to be approved without a parking plan. The amount of parking space required is going to be met. There is no way to get a variance without it.

M. Costin: I am concerned of the manner in which this is going to be carried out.

J. DelPrete: Prior to undertaking this project they will meet what has to be met under the bylaw of Framingham.

J. Garrahan: We have never asked the Town for any favors when it comes to parking.

J. DelPrete: If the law is there, it will be met. It is up to the Building Official to enforce the bylaw.

J. King: Let's cover any legal questions that the residents might have this evening while Town Counsel is here.

Mrs. Herendeen: I have a question for Attorney Garrahan: "Is the hospital planning to build this proposed building?"

Atty. Garrahan: It is hoped that the hospital plans to develop this building. In the event it is not sold, it will be leased. It is not anticipated to have this office built for hospital purposes. A determination of needs is not required in the building of offices used principally by private practitioners.

Mrs. Herendeen: Do you, at any time in the future, intend to use any portion of the building?

J. Garrahan: Prior to occupying any portion of the building we would have to meet the Commonwealth and the Town's requirements and we would have to appeal it before we could use it.

Mrs. Herendeen: Tell us the manner that it would be taxed.

J. Garrahan: It is taxed to the lessee. The owners of the land pay a fair value of the land. It would be taxed for the full value of the land. Framingham Union Hospital does not consider the land around it cheap when you consider they pay \$8 per square foot for the land they acquire.

Mr. Linehan: Do I understand that Framingham Union Hospital is the developer?

J. Garrahan: A non-profit corporation founded in 1909 made up of approximately 2,200 corporators allocated 40 trustees and the 40 trustees are in charge of the hospital. The 40 corporators have an executive Board made up of 7 persons charged with the day to day direction of the hospital.

The Board agreed to keep the matter under advisement for the time being and thanked everyone for taking part in this evening's dialogue.

CONFERENCE - Chamber of Commerce re: Downtown Parking Survey and Report of Safety Officer re: Parking Meters

Mr. Clarke reported Ms. Cunha has advised him the Chamber of Commerce survey is not yet ready.

Safety Officer, Lt. Foley has a complete report and reaffirms his position that upgrading the parking meters could bring money to the Town. The existing meters could be upgraded at a cost of \$7.17 each by doing the work ourselves, said Lt. Foley. Lt. Foley further anticipates that the meters could bring the Town approximately \$221,832 per year by converting the meters to 25¢ for 30 minutes and 50¢ for 60 minutes. Vandalproofing the meters could cost \$175 per meter. If the meters were used nine hours a day, six days a week, it could bring the Town as much as \$552,000. The Lieutenant's proposal also includes a list of new streets where meters are proposed. The Town has choices. It may leave the meters as they are, or the Town could implement the proposed plan, the Town could remove the meters altogether or it could place new meters on proposed streets.

Chairman King requested an opinion from M. P. Clarke.

Mr. Clarke he, as yet, has no recommendation from the Chamber of Commerce since the study is incomplete. He does, however, caution the Board to reduce the anticipated income from the meters because not every meter will be used every minute proposed. In order to accurately evaluate, we would have to know what the requirements will be for maintenance of the meters and enforcement of collection. So far, those figures are incomplete.

Lt. Foley: The meters are free for two hours now and the Town collects \$20,000 a year. People are putting money in the meters even though they are free for two hours.

J. DelPrete: I would see no problem with the policing of the meters. Someone could be hired to do just that.

Lt. Foley: We take care of the meters we do have. Next year, after Proposition 2½ we could see where we stand financially. We could probably add meters then.

J. DelPrete: Have you looked at Framingham Center to possibly place meters there? That is a vital area.

J. King: Thank you very much for the work you have done. We look forward to hearing from the Chamber of Commerce. Hopefully, we can take some action within a month or so.

BOARD OF ASSESSORS - PURCHASE OF A COMPUTER

The Board agrees that the Assessors need to purchase a computer. Purchasing Agent has requested a bid exemption for this purchase. Town Counsel has determined that since there is only one computer capable of taking the software to accommodate the Assessors' needs, this is not something that is subject to bid requirement. He does not find it necessary for the Board to grant the exception since there are not going to be any companies who are going to bid. The assessors have several thousand dollars left in an appropriation by Town meeting called Data Processing Expansion. They could take the \$8,000 out of this money which has already been appropriated which I think would be proper.

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BOARD OF ASSESSORS -- PURCHASE OF A COMPUTER (Continued)

J. DelPrete: We will give the Assessors an exemption to buy the computer. Not giving the exemption is the wrong way to do business. We have procedures -- good faith is good through procedures. I have no objection to granting the exemption -- that is procedure. We cannot allow people to make purchases without following the set procedure.

J. King: Mr. Bikfosky, can they use the money even though it was appropriated?

A. Bikofsky: Assessors have a line item appropriated at last Town meeting for Data Processing Expansion.

J. King: What is the pleasure of the Board?

J. DelPrete: I would so move to grant the exemption. The Assessors may buy the computer. Mrs. Lavin seconded the motion. The Chairman declared the vote unanimously.

Letter from Dr. Benson re: School Department Legal Charges for Labor Counsel

The Board received a letter from Dr. Benson re: legal charges primarily for their labor counsel because of the extra work of specific requirements for complying to meet the requirements of the law.

Town Counsel Bikofsky informed the Board no action on this matter is required.

FRAMINGHAM STATE COLLEGE AREA RESIDENTS re: Campus area and Linsley Hall problem

Spokesman Ken Assirin for the campus area residents pointed out to the Board of Selectmen that three committee meetings have been held, some progress has been made, but they are here tonight to inquire what the college administration is going to do about Linsley Hall.

K. Assirin read a prepared six point report (on file at Selectmen's Office) in the hope of calling attention of the municipal officials to the situation on campus and the surrounding area in the hope that something will be done to improve the situation. The citizens suggest that if the campus officials cannot handle the situation they could close. There is a problem that has to be resolved. The citizens are merely asking that the place be made quiet and safe. The sentiment is that committees don't work. Place the problem where it belongs. It is a police matter, let the police take care of it.

Mr. DelPrete indicated he is aware there are parking problems on Church Street. The Town has asked that it be made a tow zone, but it is not a tow zone at present. What should be done is to give people a warning, then tow them if they persist in parking.

J. King: The whole neighborhood is upset. Improvement will have to be through enforcement. I would hope that we could get this matter resolved.

J. DelPrete: I think it is only a lack of cooperation.

J. King: The Board will expect a weekly report from the Framingham Police on the situation there and we will ask Mr. Clarke to obtain a recommendation for a review of the tow zone area.

Letter from Eugene Costa, Chairman, C.O.A. requestion support for State Grants for Council on Aging

Upon Mr. DelPrete motion and Mrs. Lavin's second of the motion. The Board voted unaimously to sent a letter of support on behalf of the Council on Aging.

Letter from Mass. Public Interest Research Group requesting permission to canvas Town for funds

The group is requesting to canvas the Town from March 24 to May 1, 1981, from 4:00 PM to 8:30 PM. The Board voted unanimously to oppose such a canvas -- the Board, in fact, is opposed to all outside canvassing.

Request for Agricultural Restriction - Frank E. Wilson (vote of Board required)

The Board voted unanimously to refer this matter to the Assessors and the Building Commissioner for investigation.

Letter of resignation from Edward J. Burton, Arts Lottery Council

The Board requested this matter be tabled and that the resignation be reconfirmed prior to taking action.

Memo from Town Counsel re: New England Insulation

The Board noted receipt.

Letter from J. Strom, Employee Health Nurse re: Invitation to attend Safety & Health Conference March 31 and April 1

The Board noted receipt.

Letter from Sandi Tucker, Danforth Museum re: Fund raising event

The Board noted receipt and stated it is always pleased to cooperate for anything that is charity.

Fire Department Overtime

The Board noted receipt.

County Budget Committee

At present there is a \$2,164,000 supplemental county budget -- part of that represents unpaid bills. The Selectmen find the whole operation of the County leaves a lot to be desired. The Board pointed out that the Town was able to earn \$750,000 in investments and this year, hopes to earn \$1,100,000 in investments. The Town believes the county is placing undue pressures on municipalities.

Letter from Mr. Marquis, Arlington Town Manager

The Town of Arlington is conducting a campaign for level funding at the State level since they expect there will be no increase in the State budget.

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Meeting with Finance Committee

Mr. Clarke reported having met with the Finance Committee last Thursday to discuss the issue of the Old Edgell Library. They would like to approach the Historical Commission to take over the responsibility for those buildings on the same basis that the Village Hall is done. Mr. Clarke concluded that if the Board agrees, he will contact the commissioner. The Board agreed this is a good idea, Mr. Clarke should proceed in this manner.

MBTA Funding

Town Counsel indicated that if a judge says the Town will have to pay, that is exactly what will have to be done. There are concerns about what will happen after July 1 -- where will the money come from -- Towns could float bonds, but there really is no direct answer. MBTA is concerned about the judgement -- it could well be that after October there will be no money to operate the MBTA.

Assessor Position

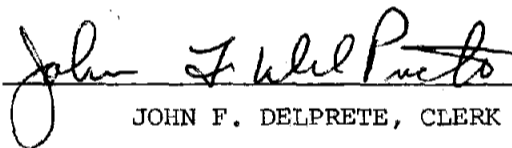
Mrs. Lavin asked the status of the applications for the Assessor Position. Mr. Clarke reported seven or eight applications have been received from qualified candidates. We have scheduled interviews with four of them on March 25 and the remainder of the interview will take place March 27.

May Appointments

Mrs. Lavin requested the list of annual appointments as soon as possible to review the appointments which will have to be made by May 1.

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 10:55 PM.



JOHN F. DELPRETE, CLERK