

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN - APRIL 6, 1981

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

WARRANTS

#165 - April 6, 1981 - Bills - \$169,529.01
#166 - April 6, 1981 - Block Grant - \$11,978.52
#167 - April 6, 1981 - Payroll - \$1,037,054.07
#168 - April 6, 1981 - Bills - \$88,985.05

COMMON VICTUALER'S LICENSE

Aegean Restaurant, Inc., 47 Beacon Street

SPECIAL ALL ALCOHOLIC ONE-DAY BEVERAGE LICENSE

Danforth Museum, 123 Union Avenue, April 11, 1981, 7:00 PM to 10:00 PM.

RATIFICATIONS

Permit to obstruct sidewalk

Star Sign Company, 105 Concord Street, Hanging Sign, 4/1/81

APPOINTMENTS

Special Police Officer

Robert J. Wenzel, 109 Lawton Ave., Lynn MA, for a term of employment at the Holiday Inn, Worcester Road, Framingham

Allen L. Cobb, 47 Apple D'Or Road, Framingham, for a term of employment at the Macomber Farm, (MSPCA)

PRESENTATION OF PROCLAMATION TO DR. JOHN E. BURKE

Chairman King welcomed Dr. Burke, his wife, his son Senator Edward Burke and his daughter. M. P. Clarke read the document. The Chairman invited his colleagues to speak. Mrs. Lavin told Dr. Burke she wishes there were more people like him in Framingham as he is a beautiful human being. John DelPrete recalls that Dr. Burke was the physician for the football team; he further recalls his sister's great admiration for the doctor -- his sister is a nurse who always praised the doctor highly. Dr. Burke is a tradition and without a doubt one of the most outstanding citizens Framingham has ever had. Selectman King thanked the doctor on behalf of all the citizens of Framingham.

Dr. Burke responded that he has been honored to be able to serve this Town. The Town has a great library system and has enjoyed the services of many capable people especially Mr. Francis Keough who did a great deal just to try to raise the salaries of the library workers. Every fall, he would go to the Finance Committee and compare Framingham library salaries to those of Towns such as Arlington or Taunton and he would put on a big show to get the Finance Board to raise the salaries of the library clerks. We have a great new library building now -- but we still have the same old problem that people do not return the books they take out. There are something in the order of 5,000 books in the library system which have not been brought back by the takers. It costs money to replace these books, and they have to be replaced because they are good books. We are making every effort to trace these books -- it reminds one a little of the vandalism in the school system. Dr. Burke would hope the computers will minimize some of these problems. He thanked the Board for inviting him here this evening and said he appreciates the kind words.

CONFERENCE - Representatives of State College re: Linsley Hall and campus matters

Dr. Justin McCarthy, College President, Arthur G. Chaves, Vice President, Dennis Golden, Debbie Bartreaux, and Campus Police Chief Cella appeared before the Board to report on the situation at Linsley Hall. Dennis Golden reported there has been a cooperate effort on the part of the college administration, the campus police, the Town Police and the State Police to improve conditions on campus.

Mrs. Lavin asked if she understands correctly there were students demonstrating outside Linsley Hall on March 27.

Dennis Golden reported the students were in front of the College Center. They have a right to peaceful demonstration. The students would like the one-day alcoholic beverages licenses restored. Dr. Golden thinks the situation has improved, but he wants the Board to bear in mind that we have imposed a great many restrictions. What we would like is that eventually the students will self-police.

Mrs. Lavin would like to know the administration's intention for Linsley Hall come fall.

Debbie Bartreaux replied that basically, it will be all female with the exception of upper classmen on the first floor for security purposes. The gentlemen who will be there were hand-picked specifically for security reasons. There will be another quiet floor in the building. Those women will have to abide by more restrictions of the times stereos may be played -- other students will be moved to other parts of the campus.

Dennis Golden said that students are being carded. There have already been 8 suspensions at the campus since March 23. No suspensions from academics, but some suspensions from residences. Two students have pursued academics in spite of resident suspensions, but he does not know about the other six students.

John DelPrete is satisfied campus administration has taken steps to alleviate the problem. It is the certain few who ruin it for everyone. However, we have to go along with the penalties to try to rectify the matter.

Dr. McCarthy reported he has 3,200 undergraduates and 3,000 adult education people in the evening which represents an overall population of over 6,000 persons.

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CONFERENCE - State Teachers' College - (Continued)

Mr. DelPrete finds that people on campus have an obligation to learn to live with their neighbors. It has been like a zoo throughout the complex. You cannot continue to have an animal house there. They see the movies and try to imitate them. This evening's paper indicates there is a fourth "R" to basics -- RESPONSIBILITY -- campus leaders have to take the bull by the horns and cope with the problems.

D. Golden: We want our pub -- we have to earn it. It will take a while but I think it will work out.

J. King: Chief Cella, what is the relationship between your department, the State Police and the Town Police?

Chief Cella: We met last week. Basically, everyone is willing to cooperate and to work with us. Our relations have always been excellent.

Chairman King to Town Counsel Bikofksy: "What can the Town do in this situation?"

A. Bikofsky: A Town bylaw was passed some years ago which prevents drinking on public ways and private property unless the owner of the property consents to it. The campus is owned by the Commonwealth of Massachusetts but it is provided by the public. Public ways and streets abut the property. The buildings themselves are not public.

D. Golden: There is a college to college student handbook. There are guidelines tailored to each campus.

Dr. McCarthy: I talked to the Clerk of Courts about this specifically. He didn't think there would be any problems. Arrests are made on public ways; we have other means inside the dormitories to control the situations. We have internal means to deal with the problems. We have been questioned by those students who are 20 years old and older. They still have to abide by college regulations. The lack of one-day licenses is clouding the issue at the college.

J. DelPrete: Dr. McCarthy, if you were to come to us and say our students are ready to have one-day licenses, we would think about granting your request. We know it's a few who are ruining it for the many.

C. Lavin: I believe the licenses -- even one-day licenses must be granted on a merit system.

J. King: The college officials have recognized the problems and have taken positive steps to correct the problems. Dr. McCarthy can call and ask for a one-night license. The doctor won't call unless the situation is well in hand and he is positive things will work out well on campus.

CONFERENCE - Abutters of Macomber Estate and Robert Winterhalter of Big W Transportation, Inc.

Mr. Sam Tract again appeared before the Board with a second prepared statement (on file at Selectmen's Office). The Macomber Estate area residents have grave concerns over the parking situation and the hours allowable for the farm operations as well as the operation of a lunchroom and a gift shop. Once again, residents express concern pointing out the roads are very narrow and that the bridge approach to the property cannot take the proposed weight of several busses passing over the bridge at one time. Further, the residents are requesting the "farm" be open to the public April 15 to September 15. The present proposed times and hours of operation are not in keeping with the type of facility and the need of the neighborhood.

Town Counsel established the fact that the Selectmen have the legal right to establish the hours as well as the days the facility may operate.

Chairman King reiterated to Town Counsel: "We do have the right to place such restrictions?"

Town Counsel replied: Those restrictions have been placed by Town meeting when it adopted the zoning bylaw. Those restrictions are already in the bylaw.

Further discussion revealed: MSPCA was approved to operate an educational farm center. The maximum number of people using the facilities in two years is anticipated to be 150,000. MSPCA further proposed parking for a maximum of 314 cars -- bringing several shuttle busses was not the original intent. This proposal now is big business, it no longer appears to be an educational facility.

On April 6, Building Commissioner George Seeley examined the bylaw and determined the site plan which was approved by the Planning Board showed space for 314 private vehicles and five (5) busses. It was accepted that about 1,200 would be the maximum which could be accommodated at one time. Now it appears that a letter written from the Planning Board to the Zoning Board of appeals 2/18/81 fully expects the facilities to accommodate approximately 6,000 people a day. This was not the original intent.

Bob Winterhalter of Big W Transportation stated the shuttle busses would accommodate people who have to park off premise at various industrial sites on the "mountain" (Framingham Industrial Park). The busses will be operated "on demand" basis during the hours Macomber Farm is open. The busses are converted school busses which carry 40 people.

Mr. Tract and other residents requested banning of visitors to the farm on Sundays and strongly requested restricted usage of this property.

Marty Quitt another area resident reinforced that the residents would prefer and are requesting a ban on visitors Sundays and holidays.

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MSPCA Discussion (Continued)

V. Guarino requested the Town conduct an engineering study as to the feasibility of entering Macomber Farm from Route 9 through the Sons of Mary property entrance. Mr. Guarino would further like to come up with an "as built" plan.

It now appears usage has changed in its nature and character -- it no longer conforms to that which ZBA granted.

Town Counsel Bikofsky said the Macomber people did not obtain a variance. The facility could lose its non-profit status by opening the restaurant and gift shop -- that would not be a determination that would be made by the Town except to insist upon some evidence the IRS or the Commonwealth obtains from them that they are, in fact, operating a venture commercial in nature and profitable. We would accept the IRS or the Commonwealth of Mass determination of non-profit status.

When asked the anticipated opening date, Mr. Clarke replied all his office has received is an invitation to meet the MSPCA people on May 1.

Harvey Steinberg would hope MSPCA must appear before this Board prior to opening.

Claire Lavin made the motion there be no opening on May 1 until the Board of Selectmen is fully informed of exactly what will happen at Macomber Farm. The Board is totally against shuttle busses because the roads cannot handle the traffic now. There will be no shuttle busses over those roads.

John DelPrete seconded Mrs. Lavin's motion. John King declared the vote unanimous. The Big W transportation Company request for a license is denied.

The Board requested that M. P. Clarke contact the MSPCA to tell them they must appear before this Board to coordinate days and hours of operation and obtain the Board's approval prior to opening. Mr. Clarke is to request no opening until such time as details are fully worked out.

Chairman King assured the assembly the Board will make sure the interests of the people are fully protected.

Proposed Development Project in the Parker Road Area

Chairman King stated this is a good time to discuss the proposed Parker Road project since the people who are here from MSPCA also are involved in this proposed project from the point of view of traffic congestion.

Town Counsel reported the only information he has is what he read in the paper. No proposals have yet been submitted to his office. The ZBA has to grant appropriate variances before going to Town meeting. As to which route is taken, that is a decision initially made by the developer subject to review by the ZBA. The site may be one which is large enough. The builder might feel it appropriate to go to Town meeting rather than try to do it piecemeal by variance. If the Board of Appeals chose not to act on it or if the developer chose to go to Town meeting, public hearings could be held by the Planning Board. A zoning bylaw change would have to be adopted by a 2/3 vote subject to appeal which must be filed within 20 days of the date that the ZBA filed its decision in the Town Counsel's office. If the proposal is for a use other than that presently approved under the zoning bylaw there is a waiting period of a minimum of 3½ months to a maximum of 8 or 9 months for the proposed Town Boards to have jurisdiction on it.

Planning Engineer Harvey Steinberg, an area resident referred to 800,000 square feet of office and research space in the Framingham Country Club area that would bring thousands of vehicles up Country Club Road which is only 1½ lanes wide. It would be disastrous to our side of Town, said Mr. Steinberg. It would mean establishing major highways to get into such a development. I hope the Selectmen would give the developer their feelings so that the developers will not spend their monies on planning since the residents want no part of it at all.

J. King: It is my understanding that they plan to make a presentation to the Board of Selectmen. Steps have been outlined by Town Counsel. It is not as easy as one might think to get such a project into the Town of Framingham. Mr. King told the area residents should be present at that meeting in order to allow the developers to get the sentiments of the residents on this proposed project.

CONFERENCE - Representative of SMACC Re: Matter of Metered Parking in Downtown Framingham

Representatives from the SMACC were not present. However, Mrs. McGrath and Mrs. Regan spoke on behalf of the Memorial Building employees seeking relief from the present parking dilemma for the Memorial Building employees. Cars are being tagged -- meters are not marked -- there are inequities. Town Counsel Bikofsky stated the Selectmen have imposed a general time limit on all downtown parking. If some of the meters are not marked and the cars are being tagged, it is somewhat unfair. Meters should be marked.

Mr. Clarke indicated the Library Trustees are scheduled to meet Wednesday evening this week. By the use of identifying stickers, Memorial Building employees, it is hoped, will be able to use the third floor of the Library Parking Garage for all-day parking, provided they have identification.

Mrs. McGrath pointed out that even two-hour parking is not long enough for shoppers coming to the business district. If a woman comes in to shop, have lunch, see a professional such as an accountant or a lawyer, she must be concerned to run back to her car to feed the meter -- thus, most people would not stay to do business.

Lorraine Regan pointed out that the merchants are supported largely by Memorial Building employees. She is seeking free parking for Town employees and requests a cooling off period such as lifting the ban on parking as is done during Christmas time.

Mrs. Lavin said she believes there should be no parking meters in the downtown area. Cars parking all day long should be towed. There must be all-day parking, but it should be away from the business area.

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Letter from Barry Locke re: public hearing to be held on April 9th
The Board noted receipt.

Letter and petition of Hopkinton Board of Selectmen re: support of Legislation for the limitation and control of the County Budget
The Board, after thorough review of the request unanimously voted to join the Hopkinton Board of Selectmen.

Letter from Mass. Commission Against Discrimination re: implementation of Proposition 2½
The Board voted to note receipt.

Memo from M. P. Clarke re: request for approval to expend sum of money for legal Counsel for the School Dept.
The Board, after hearing Town Counsel's report requested the School Business Manager, T. Duprez come before the Board to explain the breakdown for the School Committee. Mr. Clarke will make arrangements for Mr. Duprez to be here next Monday night.

Copy of letter to DPU from Fire Chief in opposition to reduction of train crew size
The Board voted unanimously to note receipt.

Notice to promulgate regulations - public hearing to be held on April 24
The Board voted unanimously to note receipt.

Letters of support for SMILES (South High School Bilingual Guidance Counselor, Chief Psychologist Framingham Youth Guidance, and Miriam Salome-Haven, Hispanic Program Coordinator)
The Board requested as much background as is available in order to take a serious look at some of those programs prior to going to Town meeting.

Report of Fire Department Overtime
The Board unanimously voted to note receipt.

Letter from Corporation for a Cleaner Commonwealth re: cleanup project
The Board noted receipt. This will be a month-long campaign.

List of appointments to be made by Board of Selectmen
Ms. Lavin thanked Mr. Clarke for the list and asked that it be made available to the newspaper -- these appointments are made on a yearly basis -- approximately 30 appointments will be made this year.

Ms. Lavin requested that Baker Fence of Morton Street be notified of the noise problem once again.
Mr. Clarke will be in touch with the Building Commissioner in an effort to protect the residents of that area.

Civil Status -- Police Department
Efforts are being made to keep the employees who will be on involuntary leave of absence on group coverage at a lower rate than they would have to pay while they are not working. Alan Miller came up with a suggestion for a legal procedure to give these workers an opportunity to bridge the coverage with as little impact as possible.

Mr. Clarke reported the groups are taking an extremely good attitude.

Officer Gustafson - Grievance
M. P. Clarke reported he has received no reply from the officer's physician. The Board again requested the executive administrator try to get through to the physician for further information as soon as possible

Planning Department Project
The Board noted receipt of the Planning Department Project. The Board finds it is an exceptional project. Copies also are in the hands of the Real Property Committee.

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

Chairman adjourned the meeting at 10:05 PM.



JOHN F. DELPRETE, CLERK