

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN - MAY 4, 1981

The regular meeting of the Board of Selectmen convened at 7:00 PM in the Peter W. Ablondi room. Present: Chairman John F. DelPrete, Clerk Claire F. Lavin, Selectman John F. King and Executive Administrator Matthew P. Clarke.

WARRANTS

#182 - May 4, 1981 - Bills \$80,271.67
#183 - May 4, 1981 - Lumpsum Drawdown - \$5,000.00
#183-A - May 4, 1981 - Payroll - \$993,797.42
#184 - May 4, 1981 - Bills - \$1,473,872.96

AMUSEMENT LICENSE

The Exchange Club of Framingham, Inc. and the Jewish Workshop - Carnival License at 167 Worcester Road, May 5 through 9, 1981. May 5 - 8, from 6 PM to 10:30 PM, May 9, 1:00 PM to 10:00 PM.

AUCTIONEER LICENSES

David S. Hurwitz, 380 Waverly Street, Framingham, MA
Herman M. Hurwitz, 12 Shute Path, Newton, MA to be an Auctioneer and to hold an Auction at Holiday Inn, Worcester Road Framingham, May 8, 1981, from 6:00 PM to 11:00 PM for the sale of Oriental Rugs.

COMMON VICTUALER LICENSE

Interstate United Corp., General Motors, Western Avenue, Framingham
Sampan Restaurant, Inc., 101 Concord Street

COIN OPERATED MACHINE LICENSE

The Exchange Club of Framingham, Inc. and The Jewish Workshop - Temporary arrangement for Carnival - twenty (20) coin operated machines, May 5 through 9, 1981.

JUNK DEALER LICENSE

United Salvage Corp. of America d/b/a Framingham Salvage Co., 120 Waverly Street, Framingham

SECOND HAND ARTICLES LICENSES

Dorothy M. Fitch d/b/a Franklin Street Antiques, 235A Franklin Street
David Hurwitz d/b/a Ideal Aluminum & Used Furniture, 380 Waverly Street
Jay Shoostine d/b/a 14-K by Jay, 680 Worcester Road
F & M Coins Inc. 55 Proctor Street
Lou's Used Furniture, 40 Morton Street

SPECIAL MALT BEVERAGES & WINE LICENSES

The Saxon, Inc., 1552 Concord Street (on grounds) - May 17, 1981 from 12:00 Noon to 8:00 PM.
Wayside Experience, Inc. (Pearl Street House), First Parish Church - Scott Hall - May 16, 1981 from 8:00 PM to 12:00 Midnight.

SUNDAY ENTERTAINMENT LICENSES

The Exchange Club of Framingham, Inc. and The Jewish Workshop, Carnival License for 28 different rides and booths at 167 Worcester Road, May 10, 1981, 1:00 PM to 10:00 PM.

RATIFICATIONS

Permit to obstruct sidewalks: Bigham & Sons, Inc., 129 Concord Street, May 4 - 15 for two hours on a selected day to hang awnings.
Bigham & Sons, Inc. 149 Concord Street, May 4, 1981 to hang awnings.

Permit to open, occupy & obstruct streets

Commonwealth Gas Co., Doeskin Estate, 5/1 - 8/1/81.
Commonwealth Gas Co., 235 Irving Street, work completed.

APPOINTMENTS

Constable - Patricia L. Henneberry, 5 Barry Drive, Framingham, for a term of three years.
Special Police Officer - Peter M. Galvani, 613 Franklin Street, Framingham for a term of one year.

JOINT ELECTION - HOUSING AUTHORITY (vice Patrick O'Grady, deceased)

In a joint election, the Board of Selectmen and the Housing Authority by unanimous voice vote of jointly elected Chairman John F. DelPrete, Board members Lavin and King for the Selectmen as well as Housing Authority members Earl Haley, John Kennedy, William Oleson and Andrew Rogers, Sr. named Edward Convery to the Housing Authority (vice Patrick O'Grady, deceased).

Attorney for the Housing Authority, R. Flynn advised the Board of Selectmen the Housing Authority will be back shortly with a location for the handicapped at 40 Temple Street which is property owned by Ralph LePore.

(After the joint election the selectmen recessed until 7:30 PM, the appointed time for the first agenda item.)

AGENDA ITEMS

PRESENTATION OF PROCLAMATION: "Danforth Museum Week"

Chairman DelPrete welcomed Paul Rosenberg and Bruce Garvin who were present to accept the Proclamation on behalf of Danforth Museum. The museum is celebrating its sixth anniversary.

HEARINGS: Petitions of Boston Edison & NET&TCO

Francis Brown who represents NET&TCO and Carol Clinton who represents the Boston Edison Company were present to jointly petition to relocate poles, wires, cables and fixtures including anchors, guys and other such necessary fixtures along:

EDMANDS ROAD, southeasterly side approximately 774 feet northeast of
Grove Street - One (1) JO pole
(One (1) existing JO pole to be removed)

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HEARINGS: Petitions of Boston Edison & NET&TCO (Continued)

WAVENEY ROAD, southerly side from pole 11 extending westerly
approximately 20 feet of conduit

HEARING - request of Fairbanks Broadcasting Co. for a special permit to erect twin five-hundred foot towers off 100 Mt. Wayte Avenue

Chairman DelPrete welcomed Attorney Ed Mahan who introduced himself as representing the Fairbanks Broadcasting Company, owner of WKOX Radio Station in Framingham. This permit is being requested to enable WKOX to broadcast on a 24 hour basis.

Selectman King said he appreciates the cooperation the Selectmen have received over the years. Claire Lavin believes it will be a great asset to the community. Mr. DelPrete thanked the representatives of the Radio Station present this evening for the public service and cooperation they have always given the Town.

Selectman King so moved to grant the Fairbanks Broadcasting Co. request. Selectman Lavin seconded the motion. Chairman DelPrete declared the vote unanimous.

UNSCHEDULED DISCUSSION - Macomber Farm

Through the Chair, Selectman King requested to discuss the Macomber matter. M. P. Clarke reviewed the Board has received a letter via the Town Counsel the MSPCA would operate on Sundays and Holidays, that local officials didn't have a legal basis for setting the rules and regulations they did. On Friday, Town officials conducted a meeting with representatives of the Police Department and the Building Official as well as with Town Counsel. After going through the Zoning bylaw it was determined the Town would be best advised to follow the letter of the law and the recommendations of Town Counsel. It was agreed that the Building Official, upon determination that they had, in fact, opened at 10:00 AM on Saturday morning would deliver a letter to the operating manager of the MSPCA farm indicating a violation of the regulations imposed by the Board of Selectmen. Upon refusal to accept that order for closure, the building official then revoked their occupancy permit. The next step was taken today when Town Counsel talked with several representatives of the neighborhood. They have started the process for court action on behalf of the neighbors of the Town to determine exactly what the situation is before next weekend. The court action is being sought in order to enforce the rules and regulations which were actually established by the Board of Selectmen as a result of the zoning bylaw set up for specifically that area.

Selectman DelPrete finds it may be difficult since the farm is seeking exemption as an educational facility which supersedes the Town bylaw. Mr. DelPrete further stated the DPU and MBTA can grant the permit over the Selectmen's objections. Several area residents were present with many questions. All were reassured by the Board of Selectmen and the Building Official that procedural steps must be followed; however, legally, the Town believes it can win the case in court.

CONFERENCE - R. M. Bradley Co. re: Proposed Office Park adjacent to Country Club and Mass Pike

Chairman DelPrete welcomed R. M. Bradley Company representatives, Gil McMannus, Buz Brannon, Jerry Angel, Phil Nexon, Bill Moore and Ted Thorndike. Spokesman Gil McMannus told the Board that early last fall, R. M. Bradley Co. was invited by some people at the Framingham Country Club to take a look at approximately 60 acres of land that the Country Club felt the Bradley Co. could give an opinion of what the land value might be of the land not presently utilized by the Golf Course. In order to best do this, it was felt that a group of experts ought to get together to analyze the land for the highest and best use. In December and January, the Bradley Company entered into some legal arrangements to do further studies. If the rezoning is accomplished, it will represent a major development for Framingham. It will represent an infusion of some \$60,000,000. The development will carry tax contributions to the Town. It will also generate a substantial number of jobs; we would like, this evening, to ask for your comments, suggestions, criticisms and, hopefully, we will get your support for a total of eight buildings with about 2,500 parking spaces.

Residents, Stan Cohen, Pam Dean, Don Lowry, Don Goodman, Michael Sherman, Mrs. Eugene Kowalszykowski, Mr. O'Connell, Mr. Schavitz, Mr. Erlingson, Mr. Malone, Julie Burnhart, Charlie Murphy and Lou Guerrieri, all had questions and/or comments in addition to concerns of accessibility as well as sewerage, drainage, aesthetics, water pollution, but most of all, increased traffic over scenic roads. Residents were given ample time to air their views. It was clearly established that rezoning can only come about as a result of Town meeting action.

Mr. DelPrete suggested a direct access road from the Mass Turnpike could be one solution.

Mr. McMannus indicated the Bradley Company is willing to meet with residents at any time to try to resolve the initial problems.

Chairman declared the conference concluded and thanked everyone for participating.

CONFERENCE - L. Guerrieri and Christy Maltas re: Discussion of School Building Use
Chairman welcomed Mr. Guerrieri and Mr. Maltas.

J. King thanked C. Maltas for the report he prepared for the Selectmen relative to the buildings that will become available in the future. The Town now has the Jonathan Maynard School and the Roosevelt School. It will be expensive to maintain those buildings when the cold weather comes in the Town does not have tenants.

Mr. Guerrieri agreed that the Real Property Committee has the same concerns over both of those buildings. We are looking for a permanent use of the Roosevelt School. We have asked the lessor how much longer he expects to use the building. We will ask greater information as to whether or not they wish to retain the use of the building any longer than one year.

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CONFERENCE - Discussion of School Building Use (Continued)

Mr. Maltas indicated he has a plan outlined with a second sheet which gives some options as to use. Mr. Maltas explained he requests 4-0 zoning which means use variances being allowed. The Town could achieve some flexibility and still give assurance that it would not be open to any other kind of use. You could spell out the types of use that would be allowed for those buildings. Mr. Maltas is suggesting to place all schools in one district.

Mr. King asked if Federal and State monies were to become available, this zone were not created, it could result in our not getting those monies?

C. Maltas: I think that could result.

J. DelPrete: If a specific use of a school could be spelled and not allow general use -- that would appear that you would be taking away the neighborhood concept as to what they would like to see in their neighborhood.

C. Maltas: We are assuming that what the Town meeting members and the Selectmen would do would be consistent with what the residents would want. We are suggesting one district which would be specifically used for school reuse. There are timetables to be considered. We have a flow chart to show the number of decision points and where decisions will have to be made. We would also have to consider how that is going to be handled in terms of sales if that were an option. It would seem likely that no building could be sold to a developer if that were the route to go and no construction could begin before 1982. We would like the buildings occupied until the final determination is made.

Mr. King asked the status of the immediate plans for the Jonathan Maynard School.

Mr. Guerrieri replied he does not know the status of the lease with the State College. If the lease were consummated, it would give us an opportunity to look into it for the future. The School Committee could utilize the building as a permanent administration building. The other avenue would be to go to a private developer. The Real Property Committee has to get from the Board of Selectmen the willingness to see the property sold.

M. P. Clarke reported the State Teacher's College ran into a problem. A copy of the lease was forwarded to the Children's Center who is to be the second occupant. Their attorney is arranging to meet with Town Counsel. They would become the prime lessee with the College as the second lessee. The Learning Center for the Deaf is now interested in occupying the balance of the building. As soon as we get the legal problems ironed out, we should be all set.

C. Maltas: There are viable alternatives. We know that the residents would prefer to have the building used for educational purposes, it would be suitable for office use. Condominiums are reasonable for the building, and possibly, subsidized housing could also be reasonable use.

Mr. Guerrieri asked: Should the building be retained by the Town, or should we divest of it?

J. DelPrete: I would like to see the Town retain the building -- but it can only be retained to a certain point. If the school does not want to look at it, then we should look at it.

C. Lavin: I would like to retain the building until we have tenants in there, then we should study it for future use.

J. DelPrete: If we decide to sell the building, it would have to go out to public bid.

J. King: I think we should keep these options open. Within a year or so, we should make those decisions.

J. DelPrete: We must determine where we are, where we are going, and how best we will get there. Options should be kept open. I think we would have to make that recommendation at Town meeting.

CONFERENCE - Jack Maguire re: Single Assessor Proposal

In an effort to reduce the budget the 35 per cent requested, Mr. Maguire made the suggestion the Town, with the help of a computer, could work with one Chief Assessor and one Assistant Assessor. He stated when time came: "We just couldn't cut the budget by 35 per cent without a major impact on services." Proposition 2½ was implemented as a result of the Auto Excise Tax, the impact on services." Proposition 2½ was implemented as a result of the Auto Excise Tax, the cliff dwellers and the Income Tax, and other people who had the misconception of fat in the municipal budget. This report was done back in September, I thought it was a dead issue, but it is back up again and I still believe it is a possibility. I don't visualize any reduction in service.

J. DelPrete: I don't personally go along with one assessor at this time because I don't think we can handle the 70,000 people in the Town. It is their basic right to come in and have hearings. They have 30 days after they receive bills in which to file. There are about 18,000 parcels that we have to consider. I am concerned about it. It is good to the point where it makes officials look at the fat in their budgets. I realize it is going to be the bottom line figure when the tax rates are set.

C. Lavin: I felt this memo deserves a lot of merit from an administration point of view of running the assessors office. We just got through interviewing three hopefuls last week.

Mr. Maguire praised the girls in the Assessors' office.

J. King: "I would like to ask Mr. Eck his reaction to the proposal."

G. Eck: I have not been included on this proposition. My concern is the fair treatment of the taxpayers. We have had a three-member board for years -- that goes back to the early 1900's. Framingham requires a tremendous amount of skill and ability in its assessors because of the mix. The Attorney General turned down

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CONFERENCE - Single Assessor Proposal (Continued)

the concept of a principal assessor back in the 1960s. The safeguard in the assessing department as I see it is for an odd-number board. It is like the Board of Selectmen. You couldn't operate as a one-man office. I am not here tonight as part of the Board. I was pretty much in the dark as to what the subject would be. I read about this meeting in the newspaper.

J. King: You have gone through three revaluations. Can you foresee in the future with computerization when we would not have to go out and hire outside firms to do the work?

G. Eck: There is no question. That is the purpose of the equipment.

J. King: Is there any city or Town ready to bring their assessments to full, fair cash value?

J. Maguire: Those revalued last year should be able to maintain it. Every two years we are required by law to update.

G. Eck: Every two years we should be able to maintain.

J. King: I would hope this would be the last time we have to go outside to hire people to reevaluate the Town.

J. Maguire: I think this falls in the category of a proposal which needs the approval of a higher authority.

J. DelPrete: A lot of time and effort went into this report. I think you should have talked it over with your staff. It's a good idea to get input from your staff.

C. Lavin concurred with J. DelPrete's opinion and reiterated that the staff are the day to day workers who should be informed.

Mr. DelPrete requested that something be sent to Town Counsel Bikofsky to see if the Town can propose a Bill to Legislature and draft it for a flat rate excise tax for Framingham.

Framingham resident, George Shrigley spoke in favor of retaining three assessors in the Town. The load is so tremendous, it's going to make for very unhappy citizens when there is no sufficient staff to meet the needs of the community.

Recommendations of Safety Officer re: authorization of no parking sign on Arlington Street

The Board voted unanimously to table this matter until it may be properly discussed with Lt. Foley, the safety officer.

Letter from Atty. Andrew J. Rogers, Jr., re: petition to abandon public way

The Board requested a recommendation from the Engineering Department and the Public Works Department relative to the abandonment of this particular street as requested by the Attorney. Upon recommendation, the Board will arrange for a public hearing and the proper procedure will be followed.

Request of Patricia L. Henneberry for appointment as Constable (five (5) letters of recommendation on file).

Selectman so moved the appointment, Mrs. Lavin seconded. Chairman declared the vote unanimous and so named Patricia L. Henneberry a constable for a term of three years, effective immediately.

Letter of School Committee Chairman re: status report of combined maintenance facility

M. P. Clarke reported that Walter Tierney is chairman of the committee studying the feasibility of combined maintenance facilities has not yet reported to him on the matter. The Board instructed Mr. Clarke to write to the School Committee Chairman.

Request of Framingham Winery, Inc. for extension of operating hours

C. Lavin noted the Board has not for some time granted 2:00 AM closings. In keeping with past practice, John King so moved this request be denied. Mrs. Lavin seconded his motion. Chairman declared the vote unanimous.

Letter of appreciation from Safety Committee

The Board unanimously voted to note receipt.

Request of Safety Committee to establish budget for FY'82

The Board unanimously voted to note receipt.

Finance Committee confirmation of Treasurer-Collector appointment

The Board unanimously voted to note receipt.

Letter from Helen K. Carmody re: operating hours at Macomber Farm

The Board unanimously voted to note receipt.

Notice of MDC hearing re: Framingham Sewer Extension

The Board noted the meeting will be May 27th -- the Town engineer will probably attend the meeting. The Board voted to note receipt.

Officer Martinis Appeal

The Board voted to note receipt.

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Middlesex County Matter

The Board noted receipt of Town Counsel Bikofsky's letter relative to the attempt to resolve the matter with the Middlesex County Treasurer and the District Attorney in charge of the case.

Plymouth Church Flea Market

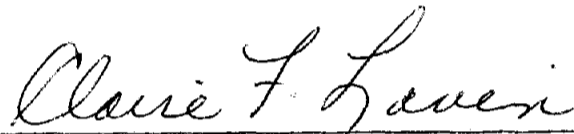
The Board unanimously voted to grant permit to Plymouth Church for a flea market at Framingham Center on May 9th and further granted permit for perimeter parking.

Annual Appointments

Claire Lavin made the motion to table the annual appointments until next week due to the hour. Board members concurred. Chairman declared the matter tabled until next week.

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

Chairman adjourned the meeting at 10:45 PM.



CLAIRE F. LAVIN, CLERK