

**TOWN OF FRAMINGHAM**  
**SELECTMEN'S RECORDS**

\*NOVEMBER 13, 1989\*

The regular meeting of the Board of Selectmen was held at 7:30 P.M. Present: John F. King, Chairman, Philip B. Ernst, Clerk and John F. DelPrete. Also present: Mrs. Eleanor Sebastian, Assistant to the Executive Administrator.

WARRANTS:

#60 - November 13, 1989 - Bills - \$1,954,569.12  
#61 - " " " - Miscellaneous - \$5,324,658.40  
#62 - " " " - Salaries - \$627,330.77

SPECIAL MALT BEVERAGES AND WINE LICENSE:

St. Tarcisius Parish - Fr. Maschi Parish Center, 35 Cedar Street - November 17 & 18, 1989

SPECIAL ALL ALCOHOLIC BEVERAGE LICENSES:

John Cowan and Kathleen Maloney - Marian High School - November 24, 1989 - 7:00 P.M. to 12:00 Midnight  
Recreation Management, Inc. d/b/a Suburban Athletic Club - 21 Blandin Avenue - December 16, 1989 -  
6:00 P.M. to 12:30 A.M. (Christmas Party)  
Framingham State College - Ram's Den Pub - November 19, 1989 - 6:00 P.M. to 12:00 Midnight (Family High School  
Soccer Banquet)

MOTOR VEHICLE LICENSE: CLASS I:

Framingham Auto Sales, Inc. - 1200 Worcester Road

HEARINGS: - NEW ENGLAND TELEPHONE COMPANY PETITIONS:

1. Gates Road - pole, 2, Gates Road - conduits, service terminal
3. Town Owned Road - conduits, service terminal

Mr. Joe Bausk of New England Telephone Company appeared to petition for approval of installation of conduit on Gates Road and Town Owned Road for the purpose of servicing an improvement project in the area and will be placing some fiber optic cables.

Hearing no objections, the petitions for Gates Road were granted on a 2-0 vote. Selectman John King did not participate in the hearings to prevent any conflict of interest.

The petition for installation of conduits and service terminal on Town Owned Road was tabled for one week on the motion of Selectman Ernst on the request of Mr. Tom Evans, representing the Massachusetts Conference of the United Church of Christ which owns the property. They would like a delay in granting the petition so that they could have an opportunity to speak further with the telephone company because they have some possible plans for the property.

AWARD - MR. PAUL LEVY OF M.W.R.A. - QUABBIN AWARD TO FRANCIS MARQUEDANT OF PUBLIC WORKS DEPARTMENT:

Mr. Anthony Colonna, Chairman of the Board of Public Works introduced Mr. Paul Levy, Director of the Mass. Water Resources Authority. Mr. Levy presented the Quabbin Award to Francis Marquedant of the Public Works Department for his efforts in water conservation issues.

The Board of Selectmen congratulated Frank Marquedant and thanked Mr. Levy for attending.

HEARING - ABANDONMENT AND DISCONTINUANCE OF A PORTION OF CLINTON STREET:

Attorney John Garrahan attended along with Mr. Judd Hendrick, General Counsel for Dennison Company and John Bock, one of the principles in the proposed development of the triangle property of Dennison located off Clinton Street between Bishop Street and Grant Street, where we propose with the approval of the town to build 300 apartment units. Attorney Garrahan stated that the site in question is a street that goes between Grant & Bishop Street. They have met with Public Works and agree that whatever easements Public Works wishes to retain or wishes them to give to them in regards to water, sewer or drainage, they would be glad to give them. The purpose of the request in abandonment is to allow the northerly side of Clinton Street to merge with the southerly side of Clinton Street, both sides are owned by Dennison and will allow the buildings that Dennison intends to retain on the southerly side of Clinton Street to become part of the campus of the Dennison property as it will then be fronting on Lawrence Street. Some eleven months ago, the Board began a journey through the different boards and agencies of the town in an attempt to bring back to Framingham the International Headquarters of Dennison. We hope that the journey will end on the 28th of November when Town Meeting will ratify the acts and recommendations made by the several boards and agencies of the town. When they first met with the Board of Selectmen, it was their intention to have the Dennison buildings within the triangle become the office buildings for the International Headquarters. At that meeting, concerns were expressed by the neighbors and over the next six months with many meetings with the neighbors, meetings with the owners of Clark's Hill property, we were able to structure an agreement whereby we agree that we would not have corporate headquarters located in this location but that we would repurchase the Clark's Hill property and place the corporate headquarters in that area. In addition, after lengthy negotiations with the neighbors, with members of the Planning Board and other agencies of the town, they agreed as to the Clark's Hill site, that instead of using, as the by-laws of the town allow you to use, thirty-two percent for floor area ratio on a twenty-eight acre parcel of land, that would reduce that down to twenty percent, which in effect, meant that with that negotiations over ten acres of land of Dennison on which taxes will be paid will be perpetually used for open space in regards to the Clark's Hill property. As a result of continued concerns by the neighbors, by Task Force, the questions came as to the development of single family homes along Arthur Street and Bishop Street. As a result of those conferences and meetings, Dennison then agreed to go back to that owner and say that they will buy those lots, also so that they would not be built on without placement of severe restrictions under which they would be built upon. Those restrictions are now being negotiated out between ourselves and representatives of the Planning Board. In addition to that, with the Task Force, we have made an overall traffic study, almost a complete traffic study of Downtown Framingham. Under the by-law, we are required to go within 1,000 feet of the Clark's Hill property.

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Attorney Garrahan stated that 1,000 feet which amounted to about five or six intersections quickly expanded to twenty-one or twenty-two intersections in Downtown Framingham including Concord Street and Union Avenue intersections, Dennison Crossing, Blandin Avenue Crossing, Irving Street, going all the way up Concord Street to Hartford Street and coming on down. It's one of the most comprehensive traffic studies that the town has had in recent years. It has produced interesting data, all of which are now being studied by the respective agencies of the town. The Task Force is meeting this Thursday to hear the different reports of the different agencies and as to what their recommendations will be to the Planning Board and Board of Selectmen and to other agencies in town for mitigation of traffic in that area. Part in parcel of the negotiations in determining what Dennison would agree to with the town was the realization that this piece of property called Clinton Street which now produces no taxes to the town and he is sure a letter has been received from the Assessors suggesting that taxes it will receive from the town in the event that the Town Meeting authorizes the Board of Selectmen and the Board so does abandon this portion of Clinton Street. They need it in order to work out the proper development of the triangle site into apartments and to also retain buildings that they wish to continue the operation on.

Selectman DelPrete is highly in favor of abandoning this portion of Clinton Street because living down in the area you never can get up to the end of it - up at the further end. There is just no way you can make a turn up there because the cars are parked across the street. About the only thing it's used for is a parking lot on either side of Dennison. He feels if Dennison builds their corporate headquarters here and all the other work is done, it will mean more tax dollars coming into the town.

Selectman Ernst asked if a title search had been done.

Attorney Garrahan stated that as of this evening, he had received a call from Peter Barbieri who had received a call from the Registry of Deeds. The abstractor said that there was an unrecorded easement called Clinton Street. He thought it was academic in this, that we have used it as a public way, they have not contested rights to use it as a public way. The official abandonment would be conditioned upon them giving to Town Counsel such satisfactory easements recordable that he deems necessary to preserve the rights that the Public Works Department has. He did not see it as a problem. Their title indicates that at the best you have is an easement. You do not have a title to it. Many streets in town are that way.

Selectman Ernst suggested that Town Meeting should be made aware on November 28th, that they are not giving up title to the street. They are giving up merely a right of way.

Attorney Garrahan stated that as soon as they receive the abstract, they will turn it over to Town Counsel.

Mr. Anthony Colonna, Chairman of the Board of Public Works stated that the only concern is that they have a full easement for the utilities on Clinton Street. Unless they have the full width of the street, there could be problems in repairing utilities. There is drainage, water and sewer. It should be the complete width of Clinton Street in that particular area.

Selectman King asked what the plans were for the use of Clinton Street.

Attorney Garrahan stated that it would be used as part of the new lot that is being created of all the buildings that are on Lawrence Street plus the remaining buildings that now are on the southerly side of Clinton Street. We would be using it merely for either landscaping or ways of passages back and forth between their property. They don't intend to put any buildings on it.

At the conclusion of the discussion, the Board voted unanimously to approve of the article of the abandonment of Clinton Street for the Special Town Meeting.

HEARING - ATTORNEY WILLIAM MAYER RE: APPLICATION FOR A NEW LIQUOR LICENSE - BERTUCCI'S AT 150 WORCESTER ROAD - ALL ALCOHOLIC BEVERAGES RESTAURANT

Attorney William Mayer attended representing Bertucci's. He stated that they were before the Board last month to discuss the request for an application for an All Alcoholic Beverages license for the proposed location of Bertucci's at 150 Worcester Road. The premises are located at the former site of Papa Brillo's restaurant. Currently, there is a small retail shopping mall located there. The premises that they have leased consists of just slightly in excess of 7,000 square feet. It is all located on one floor. There is one front entrance, one rear entrance. The exterior of the building remains the same with the exception of a new facade that will be put on the front and maybe some awnings and signs. On the inside of the property will be totally rehabilitated. There will be a brick oven located centrally in the main serving area in full view of the customers. The proposal is to operate the facility from 11:30 A.M. to 11:30 P.M. on Sundays through Thursdays with a 12:00 P.M. closing time on Fridays and Saturdays. The capacity of the restaurant is 110 individuals. There is proposed to be a very small bar for the purpose of serving waiting patrons only. There is restaurant seating within the bar area. It's not a separate lounge area.

Selectman King asked if the public convenience and necessity would be served.

Attorney Mayer stated that their research has indicated that there is a very strong demand for this type of up-scale, clean, family type environment that does not cater to the single crowd and mixing crowd. He stated that in their research in other towns, that there are a fair number of patrons who come in that would like to have an alcoholic beverage with their dinner and their research has indicated that this is present in Framingham.

Following the presentation, the matter was taken under advisement and approved later in the evening on a unanimous vote.

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HEARING - LIQUOR VIOLATION - HAN DYNASTY AT 517 CONCORD STREET - ALL ALCOHOLIC RESTAURANT:  
Police Chief Larrabee and Officer Blaise Tersoni, the investigating officer attended.

Patrolman Tersoni stated that on Saturday, October 14th at approximately 11:25 P.M., he was dispatched to Han Dynasty located at 517 Concord Street. The dispatcher stated that there was a group of people that had refused to pay their bill. When he arrived, he observed four subjects, one male and three females in the main waiting area and were all extremely intoxicated. He asked these people if they could pay the bill and they stated they didn't have enough money. They became very loud and disrupting the atmosphere of the restaurant. They were subsequently arrested. In checking the identification in ages of these people, three of them were found to be under age.

He then approached the manager who got the waitress at the time and she stated that at the time she did not ask for any identification of the females.

Selectman King asked what the ages were of these individuals.

Patrolman Tersoni stated that two were 18 years old and one was 17.

Selectman King asked what time the call came into the station.

Patrolman Tersoni stated 11:25 P.M.

Selectman King asked how long they were in the restaurant.

Officer Tersoni stated that he believed they had been in there since after 10:00 P.M.

Chief Larrabee stated that they have a copy of the bar bill which was presented to Patrolman Tersoni when he arrived on the scene indicating they had spent \$9.00 on food and \$22.70 on a bar tab. Additionally, Han Dynasty was in front of the Board less than a year ago for transferring a liquor license and then they were before this Board for a liquor violation during the sting of April 20, 1989. At that time, his recommendation for that instance was a reprimand because they had been such a new business to the town.

Selectman King asked Officer Tersoni if the three individuals were highly intoxicated.

Officer Tersoni stated yes.

Selectman DelPrete asked if they were asked for any identification when they were in the restaurant.

Mr. Danny Yung, Manager of Han Dynasty stated that the waitress served three men first, later on the girls came in. The three girls were not served.

Selectman Ernst asked Officer Tersoni if he stated that three of the girls were intoxicated and that when asked one of the girls said that she was not asked for identification.

Officer Tersoni stated yes. He asked if she checked for identification and she said no, they didn't ask.

Selectman Ernst asked if he confirmed this with the waitress.

Officer Tersoni stated yes, she stated that she was too busy.

Mr. Yung stated that he asked the waitress why she didn't check I.D.'s. The waitress said because they didn't order anything.

Selectman King wanted to clarify a point. In the statement that was given to the Police Department by the waitress she indicated that she failed to ask any of the subjects for identification, and the reason she gave was that she was too busy at the time to request the I.D.

Selectman DelPrete stated that the Chief should ask the waitress again and find out whether she did or didn't serve them. One statement is that the three females were not served. Officer Tersoni said he felt that they were intoxicated. Whether they came in intoxicated or whether they got intoxicated there has not come out here. He feels that this should be checked out to see whether they were under the influence when they went there or not because it is a serious problem.

Selectman King stated that this is a serious business and if and when this matter is completed and the Board is satisfied that these individuals were served in the restaurant, he will recommend a lengthy suspension because this is an abuse of the license that was granted less than a year ago and also they were caught in the sting operation.

The matter was tabled until next Monday evening.

CORRESPONDENCE FROM ST. ANDREW'S EPISCOPAL CHURCH RE: "ONE WAY" ON MAPLE STREET FOR SATURDAY, DECEMBER 2ND  
The Board voted unanimously to approve a request from St. Andrew's Episcopal Church to have Maple Street be made "One Way" from Buckminster Square to Franklin Street during the hours of 10:00 A.M. to 3:00 P.M. on Saturday, December 2, 1989 to accomodate St. Andrew's Annual Christmas Fair.

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RECOMMENDATIONS OF SAFETY OFFICER RE: REMOVAL OF A HANDICAPPED PARKING SIGN:

Upon the recommendations of the Safety Officer, the Board voted to approve the removal of the Handicapped Parking sign in front of 48 Frederick Street, as the resident has moved.

CORRESPONDENCE FROM POLICE CHIEF LARRABEE RE: CLOTHING POLICY:

Chief Larrabee stated that over a year ago he was approached by several ranking officers that would like to convert to traditional white shirts. It's not unanimous - there are a couple who do not want to do it, the majority of the 11 Captains and Lieutenants would like to. He would like to institute it. It would be a very small cost, most of it would be done through existing funds in their clothing allowance.

The Board voted unanimously to approve of this policy.

RECOMMENDATION OF POLICE CHIEF RE: LIEUTENANT PROMOTION:

Chief Larrabee stated that approximately 11 candidates who were eligible for the Lieutenant's position took the test. All 11 passed. The three candidates who were interviewed all scored 90 or above. Based on the recommendations of the Internal Board of the Police Department and of their supervisors and past evaluations, they recommended that Steven B. Carl, 215 Baldwin Avenue, Framingham, be promoted from Sergeant to Lieutenant.

The Board voted unanimously to appoint Steven Carl to Lieutenant effective December 3, 1989.

CORRESPONDENCE FROM FIRE CHIEF RE: RESIGNATION:

The Board voted to accept the resignation of Firefighter Santiago Rodriquez effective November 13, 1989.

The Board noted receipt of the following items:

Fire Department Overtime for the weeks ending November 4 & 11, 1989.

LIQUOR LICENSE FEES:

Selectman Ernst recommended that this matter be tabled until next week.

RICHARD PAUL - COMMITTEE TO STUDY AN OVERRIDE OF PROPOSITION 2 1/2:

Mr. Richard Paul, Town Meeting member from Precinct 3 and Chairman of the Committee that was formed by the Moderator to study an override of Proposition 2 1/2 attended. He stated that at the last Special Town Meeting, a Resolution was passed requesting the Moderator create a committee to work with the Selectmen to study the possibility of having a Proposition 2 1/2 override.

Selectman DelPrete had concerns regarding the southside. He noticed that most members were from the same part of town. He hoped that the whole town could be represented.

Selectman Ernst asked Mr. Paul if they are thinking of calling for an override.

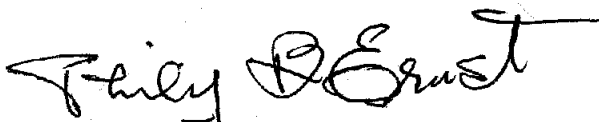
Mr. Paul stated that he was not calling for anything - it's up to the Selectmen. He was look for the long-term needs of the community. He was the author of the Resolution. He stated that looking at the forecast of the deficit and proposal for cuts in services, he felt it was time to begin the process of looking at the legal approaches to satisfying the financial needs of the community.

Selectman Ernst stated that the Executive Administrator has his own financial group, namely the Treasurer, Assessors, Town Accountant and the Administrator of the Finance Committee. Mr. Gadbois informed the Board last week that he has gone over the numbers and projections and each department was to come up with two budgets, one with a -4% and 1 with a +6%. They based in on projections of excise tax, state local aid. The time limit is December 1st for the budgets to be in. He stated that we probably won't know until March if an override is needed and at that time, he may be inclined personally to support it.

Mr. Paul saw this committee as a committee that could work in conjunction with town meeting and the other elected officials, not trying to convince the citizens. He felt that this committee could do the same kinds of things that the Executive Administrator is doing. He wasn't looking at this committee as a public relations committee to go and try to sway the electorate one way or the other. Only to get the issues out from the different boards and committees within the community.

Selectman King stated that subsequent to the Annual Town Meeting, we have reactivated the Cost Savings Committee and have met and will be meeting again shortly. There was good representation at the first meeting and most of the people that served on that committee before were in attendance. We have directed the Executive Administrator to set up a committee based on citizens at large as well as the business community to take a look at the budget process as well as the possibility of an override of Proposition 2 1/2. The Executive Administrator is in the process of setting up this committee.

The meeting adjourned at 9:15 P.M.

  
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PHILIP B. ERNST, CLERK