

SELECTMEN'S MEETING
SEPTEMBER 22, 1997

ATTENDANCE: Kathleen M. Pendergast, Christopher J. Petrini and Valerie W. Mulvey.

The meeting was called to order at 7:40 P.M. by Ms. Pendergast.

WARRANTS:

#980212	Miscellaneous	\$2,819,979.07
#980112	Accounts Payable	\$943,419.44
#91397	Payroll	\$675,564.02

PUBLIC PARTICIPATION: Mr. O'Neil rose to speak about roof leaks at the Edgell Road Library and the Historical Society buildings. Mr. Schmeidler, Precinct 4, rose to speak about the inability of the handicapped who are mobility impaired, to access the Lexington Street Public Library. The Board was asked to investigate the situation.

JOINT CONFERENCE - BOARD OF SELECTMEN AND LIBRARY TRUSTEES:

The Selectmen and the Library Board of Trustees met to appoint a Library Trustee to fill a vacancy on the Library Board, which occurred when Kevin Moriarity resigned. William F. Dyan, a past candidate, has written to the Board to request appointment to this post. The Library Trustees recommended the application of William Dyan. Mr. Petrini asked how the Library Trustees were recruited in the past. Historically, if an unsuccessful candidate in a prior election showed interest, the position was generally offered to the candidate. Mr. Dyan's major goal was literacy. Ms. Mulvey moved and Mr. Petrini seconded the motion to appoint Mr. Dyan. The motion carried unanimously with both boards in agreement. The Library Board was asked about wheelchair accessibility and it was stated that they were trying to rectify the problem. Mr. Petrini also pointed out that the garage was under repair and asked the Trustees for an update. The library garage is supposed to re-open in November.

HEARING - NEW LICENSE - DUCA'S RESTAURANT, 1138 WORCESTER ROAD:

Attorney Paul Galvani, representing the Four D Group, Inc., came before the Board to request a new all alcoholic beverage license to be issued at the site of Yen's Wok restaurant. Robert Duca, of the Four D Group, Inc., was present along with Paige Duca. Since the closing of Yen's Wok, which is in bankruptcy. Interest was sold to Robert Duca and the trustees have given up their shares in the business. Mr. Duca's daughter, Paige, will be the full time manager and Mr. Duca will be overseeing the operation. The proposal before the Board is for an upscale Italian restaurant with 160 seats. The downstairs will be renovated to accommodate 100 people for the purpose of live entertainment. The approach is a unique dining experience and should fill the public need and convenience. Ms. Mulvey asked about the program Ms. Duca would take. Mr. Duca pointed out that there is a new program called Bar Code which is more conducive to today's market. Ms. Mulvey felt that this type of restaurant offered great appeal. Mr. Petrini also felt that it would fill a niche. Ms. Pendergast pointed out that the license was on the nature of a transfer as it was at the same site. Mr. Galvani stated that he requested a new license as it was a cleaner way to proceed and it would avoid problems with the Department of Revenue which would hold up the Duca's petition. The trustee was requested to relinquish all assets. The assets were then transferred to the Duca's which were then turned into the town. Mr. Petrini moved that the license be granted to the applicant at the proposed location. Ms. Mulvey seconded the motion which carried.

HEARING - CHANGE OF MANAGER & PREMISES, NOBSCOT CAFE, 847 EDGELL ROAD:

Michael J. Quinn came before the Board to request an alteration of premises and a change of hours for Nobscot's Cafe at 847 Edgell Road. The change of premises planned involves the addition of a 24' x 60' non-smoking dining room to include new rest rooms, an office and storage space. Mr. Quinn stated that his restaurant is a local establishment which has been a good neighbor and offers many services. Mr. Quinn was asked where his petition stood before the ZBA and stated there was no objection. A special permit has been purchased. Mr. Petrini asked about noise problems and it was noted that they have been addressed. Ms. Mulvey asked about the number of people served and was told the new room would accommodate 48. The hours of operation were asked to be changed for the convenience of the customers. One abutter rose to ask about the noise with regard to trash pick-up. Ms. Pinn asked about the manager, whether there were violations and how the expansion would affect the neighbors. There have been no violations. The Board was asked how it was determined if this was a positive or negative impact on the neighborhood. Mr. Petrini explained the hearing process and noted that the Board relied upon the neighbors for input. Mr. Quinn was asked to address the issue of refuse and open doors and to write to Mr. Marcoux with a report within thirty days. Ms. Pendergast was concerned about drinking on the aqueduct and hoped that there would be a patrol. Ms. Mulvey moved Mr. Quinn's request to extend the hours from 11:00 P.M. to 12:00 Midnight, Monday through Thursday and the petition to expand was also granted. Mr. Petrini seconded the motion which was also granted. Mr. Petrini seconded the motion which carried.

HEARING - ACCEPTANCE OF EASEMENT ON ROUTE 30/CALDOR RD:

The Board of Selectmen were in receipt of a letter from the Planning Board requesting the purchase of all interests in land necessary for the reconstruction of the Route 30 Speen Street Intersection. Mr. Kutner hoped that this would be the final easement in the construction of Route 30 and Speen Street. The easement was requested by the highway department for drainage. The property owner has approved the request and the Conservation Commission has approved the order of commissions should be approved on Saturday. Mr. Kutner explained that the easement was across from Home Depot and was a small area for drainage purposes. Mr. Petrini moved and Ms. Mulvey seconded the motion that the easement be accepted as recommended by the Planning Director. It was so voted.

MARK SMITH, SUPERINTENDENT OF SCHOOLS, REPORT ON DE-SEGREGATION PLAN:

Dr. Smith came before the Board to share the background of the long range racial balance plan and educational equity plan. The hope of this plan is to reduce racial inequity. The plan was introduced to keep Framingham in balance and comply with state and federal law. There are three components to the plan: construction, redistricting and controlled choice. Construction refers to the construction of the Woodrow Wilson School, the renovation of Cameron Middle School to be opened in 1999 and the construction of an addition to the Framingham High School. There will be reimbursement for two of the projects and possibly for the addition of the wing at the high school. Redistricting of elementary schools will occur to achieve racial balance. Dr. Smith outlined the time frame for redistricting which should be implemented town wide in September of 1998. Parents will be invited to choose which elementary school their child will attend and there will be magnet programs in each school to help avoid redistricting. The choice plan will reach the middle schools in 1999. Core curriculum will remain the same. State desegregation planning funds will be used. A questionnaire will be sent out to parents and response will be shared with the parent community. Mr. Petrini stated that he was excited that the requirements of the law were being used to give parents a choice and offer racial balance. He also asked what choices appeared to be most popular. Dr. Smith stated that there was interest in foreign language study. Mr. Petrini also asked about the final implementation of the project and funding of busing. Six years will be necessary before the total plan is implemented. The impact on busing will have to be incorporated in the school budget. Ms. Mulvey asked about how switching of schools would be dealt with. Reconsideration on the parts of parents will be provided. Ms. Mulvey also asked about the success rate of questionnaires. Ms. Pendergast complimented Dr. Smith and Ms. Cross for all their work. Mr. Schmeidler asked Dr. Smith about the direction of the Framingham education system and the ability of competing with the college acceptances. Dr. Smith noted that there was large number of students currently being accepted in quality colleges.

TOWN MANAGER'S REPORT:

Mr. Marcoux announced the opening of the excise tax collection. Mr. Marcoux hoped to list the articles for town meeting at the October 8th and expected there to be a Town Meeting early in November. Mr. Marcoux pointed out the comforter for sale in Framingham commemorating the 300th year of Framingham's existence, and the funds will be used for the tercentennial celebration. Mr. Marcoux also announced that a downtown charrette occurred over the weekend and proposals were submitted to the town. Several samples were shown to the Selectmen and the audience. The impending sale of the Dennison property was discussed as well as the potential lease of part of Clark Street and the interest in land at exits 12 and 13 on the turnpike. Ms. Mulvey commented on the clean-up of the Roosevelt site. Mr. Gerstein questioned whether Conrail had been contacted. To date, there has been no response.

TOM GILCHRIST - LIBRARY DIVISION REPORT

Mr. Gilchrist's report was postponed due to illness in the family.

CHRIS PETRINI - REPORT, MASS TURNPIKE ADVISORY BOARD

Mr. Petrini announced that there were two proposals before the turnpike authority. There was hope for a hearing in the near future. A.J. Lane's parcel would include both exits 12 and 13. Mr. Petrini will continue to insist on a public process for development.

ACTION ITEMS:

The Selectmen's Meeting minutes of July 28, 1997 were discussed. Ms. Mulvey moved that acceptance be tabled pending attendance of a full Board.

The Safety Committee brought the issue of a truck exclusion on a portion of Bethany Road before the Board. In order to implement the exclusion, the Board of Selectmen must vote to amend Article VIII, Section 19 of the Town of Framingham's Traffic Rules and Orders (Operation of Heavy Commercial Vehicles) by formal vote to add Bethany Road, between Waverley Street and Winthrop Street, to the list of streets so restricted. That vote must then be filed with the Town Clerk, from whom three original verifications of that filing must be obtained and sent to the Mass Highway Department. Mr. Petrini moved and Ms. Mulvey seconded the motion which carried. Ms. Joan Webster, Human Relations Commissioner Administrator, requested that the Board of Selectmen revoke appointments to the Human Relations Commission of Dalton Leslie and Iris

Mateo since neither has attended a meeting of the Commission since they have been sworn into office. In their place, she requests the appointment of Robert Erlich, Jeffrey Zaino and Jennifer Allen to positions on the Board to expire in 1999. Ms. Mulvey explained the background of the appointments and was willing to Mr. Petrini moved that the Board authorized the revocation of the individuals mentioned and the remaining three slots be advertised and placed on an appropriate future agenda. Ms. Mulvey seconded the motion which carried.

David Kutner, Director of Planning and Economic Development, explained to the Selectmen that, in order to apply for a grant for the preservation of the Hollis Street Fire Station, the Selectmen must authorize the Planning Director to serve as the project coordinator. The amount of the grant would be \$100,000 and Mr. Kutner would oversee and administrate the renovations for the grant. Ms. Mulvey moved and Mr. Petrini seconded the motion, "that the Board of Selectmen authorize the Planning Director to serve as the Local Project Coordinator for the administration of the Massachusetts Preservation Project Fund grant in conjunction with the Hollis Street Fire Station Project." It was so voted. In addition, another requirement of the Board was to support a preservation easement in order that the Town be eligible for grant dollars. There can be no improvements contradictory to the facade of the building. A motion to be recorded was recommend by Town Counsel. The action would require the approval of Town Meeting. Mr. Petrini moved that the Board of Selectmen would support the seeking of an easement before the Town enters into a preservation agreement in perpetuity. Ms. Mulvey moved and Mr. Petrini seconded the motion to enter into the preservation agreement in perpetuity. It was so voted.

A memorandum was received by the Selectmen from Paul Mormino, Treasurer/Collector requesting that the Board sanction the appointment of William R. Goyette as Assistant Treasurer/Collector for an indefinite period. Mr. Goyette's credential's were discussed and Mr. Petrini moved and Ms. Mulvey seconded the motion to approve the appointment of Mr. Goyette. It was so voted.

REVIEW OF CORRESPONDENCE:

Mr. Mormino announced that the Tax Collector's Office will begin processing all past due excise tax bills at the Framingham Deputy Collector's Office at 149 Concord Street. The hours will be 8:00 A. M. to 7:00 P.M. , Monday thru Thursday and 8:00 A.M. to 5:00 P.M. on Tuesday, Wednesday and Friday. This program began on September 17, 1997.

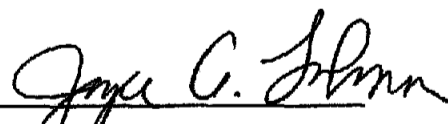
UNFINISHED BUSINESS

Ms. Pendergast asked the Board when the cut off date for Shopper's World would be in order to propose an article for Town Meeting. Mr. Petrini moved that Town Counsel be contacted and asked to contact the attorney's for Developer's Diversified to present a memorandum no later then October 6th for approval. Ms. Mulvey seconded the motion. Ms. Pendergast asked if the Planning Board should be present. It was mentioned that a written document is requested.

Ms. Mulvey discussed her meeting with delegates from Santa Luzia and communication will be received. Mr. Petrini questioned what the sister city arrangement was and it was noted that there should not be tow sister cities in the same country.

Mr. Petrini asked that a representative from Foxboro come in to discuss the proposal at the Foxboro stadium and would like Framingham to take a stand on the issue.

A request to move into Executive Session to discuss a vote on pending litigation was entertained. Ms. Mulvey moved and Mr. Petrini seconded the motion which carried. A roll call vote was taken with all Selectmen voting in the affirmative. The Board will only reconvene for the purpose of adjournment.


JOYCE A. TOLMAN, CLERK