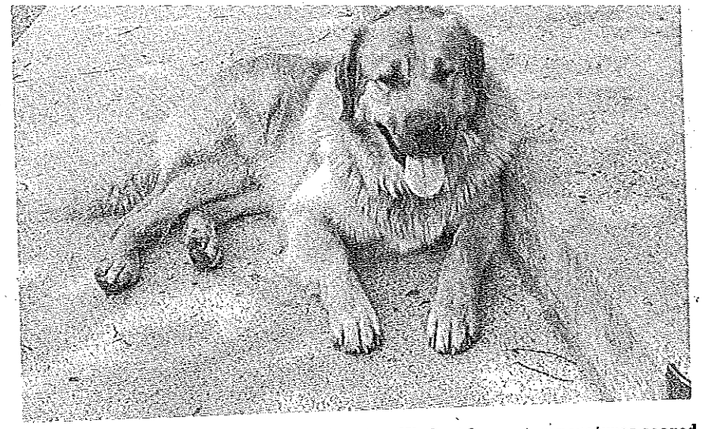
Amherst Record
June 9, 1974



HOT DOG ON SIDEWALK panted it out on Wednesday as temperatures soared into the 90's. No Englishmen were about as the noonday sun baked the downtown area.

Brookline), all documents, records and correspondence is presumed to be open for public scrutiny under the terms of the new bill. Exemptions must be proved by the person holding the material.

THE LEGISLATION defines public records as "all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics," made or received by any officer or employee of a state, county or municipal body. Courts and the legislature are excepted.

Also included are records of "any authority of the general court to serve a public purpose." This would include such bodies as the UMass trustees.

One town official who is familiar with

(continued on page 3)

In a special meeting Friday afternoon the Recreation Commission voted unanimously to accept the new $590,000 Mill River Recreation Area from the contractor, effective yesterday.

Final acceptance of the project is contingent upon the Puffer Construction Corporation's completion of a small number of items which remain to be corrected or completed.

The swimming pool at the area opened Saturday at 1 p.m. Formal dedication ceremonies have been set for June 16 at 2 p.m.

The opening of the area was in some doubt a few weeks ago because the town had not applied for a special sewer entrance permit from the State Division of Water Pollution Control.

A special 90-day sewer permit was issued by the Division two weeks ago.

S. Dorney Memorial Prize to [illegible] Tudryn; the George E. Williams Sportsmanship Award to Martin Bak; the Girls Sportsmanship Award to Susan Howard.

The Michael J. Garvey Memorial Prize went to Roger Boucher. Class Athletes were Michael Abramson and Donna Tudryn. The Ebba Tidlund McKemmie Memorial Award was present to Donna Tudryn and Glenn Stowell.

Other awards and scholarships were: Arthur L. Swift Chemistry Award to Robert Progulske; Pelham Men's Club Scholarship Award to Katherine Clark; Miriam Morse Shaw Memorial Prize to Evan Romer; Leverett P.T.O. Ruth Watson Scholarship to Lynda Glazier; Amherst Kiwanis Scholarships to David H. Simnow, of South Orange, N.J.

The commencement program was held on the steps of the Frost Library.

Nine distinguished Americans were awarded honorary degrees during the ceremonies.

The honorary degree recipients were: Archibald Cox, Harvard professor and former Watergate Special Prosecutor; U.S. Representative Silvio O. Conte (R-Mass); former U.S. League of Women Voters President Lucy Wilson Benson; U.S. Ambassador to Tunisia Talcott W. Seelye; John Wesley Chandler, president of Williams College; University of California Professor Ben Frank Stoltzfus; John Henry Neale, banker and attorney; Robert Henry Guest, Dartmouth University professor; Yale University Professor John E. Stiglitz.

Town officials sympathetic to 'Kendrick Park'

EDITOR'S NOTE—The following article is the third and final part of a series on the Kendrick Trust, established in 1930 to seek the purchase of all the homes on an "island" created by the intersections of North and East Pleasant and Triangle Streets. An editorial on this subject is included on page 7.

By ROBERT BLOSSOM

A generous bequest in the will of George S. Kendrick, left when he died in 1930, proposes to create a 3.3 acre park just north of the center of town along North Pleasant Street.

What Kendrick could not foresee, at the time of his death, was the incredible growth of the town and the complexities his dream would present in 1974, even if the trust is still capable of buying the three dwellings on the site that still remain in private ownership, which is open to speculation.

Patricia Bischoff, 72 Dana St., has recently analyzed some of the complexities in a masters thesis for the UMass School of Landscape Architecture.

AFTER EXTENSIVE TREATMENT of the history of the site, which is bounded by North and East Pleasant and Triangle Streets, Bischoff looks to the present problems on the site and presents detailed plans of what she, as a landscape architect, thinks would be the best way to develop the park.

Among the most intriguing suggestions she makes are:

—Two ponds, one flowing down into the other created by uncovering the conduit that presently carries the Tan Brook under the site.

—Underground utilities on and around the site.

—Use of gas lighting within the park to provide a nineteenth century atmosphere.

—That the planning board not extend business zoning beyond its present areas around the site.

—That cellar holes be left exposed as miniature parks within the park. The cellar parks would be natural "conversation pits" that would be landscaped and include benches of natural wood.

—That the Kendrick trust initiate immediately a systematic planting program on properties already owned by the trust.

—Lower the elevation of the park interior creating concave contours that would provide a sense of enclosure and privacy.

Bank officials at the First National Bank of Amherst, curator of the trust, have expressed concern that the trust is deteriorating and may not have enough cash left in reserve (about $114,000) to come within shooting distance of the Bischoff vision for the site. (See Amherst Record June 2).

TOWN OFFICIALS all agree that a failure of the trust to complete the project would be a minor tragedy.

"I think it's sad to see the trust at an impasse right now," says Allen Torrey, town manager. "I'd like to see the trust able to pass those parcels it now owns to the town for tax relief, with the agreement that the town would maintain the area in a park-like manner."

"Secondly," Torrey adds, "I'd like to see some action on the purchase of the remaining three houses with life tenancy agreements, or whatever.

"I feel strongly that town meeting would agree to aid in purchases if the trust funds are insufficient to complete the project," he added.

"Furthermore, I think it would be great to see the trust use some of the money to develop the site through a master plan and promote some planting of trees on the site now."

Torrey said that the situation of the Kendrick Trust is not unprecedented. "The town is in somewhat the same situation with the Bangs' fund," he said.

THE BANGS' FUND was left the town by Edward and Fanny Bangs between 1917 and 1943. The fund, now amounting to $200,000, was left to build a hospital and the town is currently in the process of seeing if the funds can be used for health care needs other than a hospital.

"Smith Charities has also had to go before Probate Court to seek changes in the original trusts," Torrey says, "The courts know that times change, and they are very understanding about requests for altering original wills."

Torrey points out that the addition of Kendrick Park to the town's system, "would give us a situation not unlike the Boston Common and the Boston Public Gardens.

"Our common isn't landscaped particularly and its contours aren't as interesting as the opportunity offered by the Kendrick situation. It will be a generally more interesting park than we now have in town."

Torrey says he thinks Bischoff's idea of uncovering Tan Brook to create a pond and her suggestion that the cellar holes be used as miniparks "are both excellent ideas."

However, Torrey is less definite about the traffic situation around the park. "I don't know what is the best solution for the traffic right now, I just don't know."

He added that a meeting next week with traffic consultants for the town was planned, and the three intersections around the "island" would come under discussion.

SEVERAL PROPOSALS for rerouting traffic in the area have already been studied by the planning board and Town Engineer James Smith.

Bischoff also makes several specific suggestions in her thesis about traffic in the area.

Both Planning Board Chairman Alice Epstein and Town Planner James Cope express strong support of the Bischoff plan for the area, at least in principle.

"Her thesis is really a refinement of the SCOG report," says Epstein. "The planning board will certainly consider her results and recommendations seriously in any future planning for the site."

Both Cope and Epstein alluded to the SCOG recommendation that the area between the university and the center of town be studied intensely before future development.

THE PROPERTY OWNERS who still live on the site all report that they have never been contacted by the trust about the Kendrick plan for their homes and property.

Mary and Helen Dudley and Elizabeth Irwin, owners of 275 North Pleasant St., are the longest remaining tenants on the "island."

"My mother bought this house in 1903," says Mary Dudley, "and we have never been approached to sell. I wish they would sometime, and we could see what would happen."

"We intend to stay here as long as we can," she said.

Miss Dudley said that she had always been under the impression that Ernest Whitcomb was buying up the houses on the island and destroying them for the park. Now we know differently," she said.

Asbury Dunn, owner of 297 North Pleasant St., said, "We bought the house in 1956 and no one mentioned that the Kendrick plan was in existence. Over the years we heard about the plan, but I was always under the impression that there was to be a rose garden planted here by Mr. Whitcomb."

Charles Ward, owner of 291 North Pleasant St., says, "I've owned my house since 1941. We haven't heard much about the planned park until fairly recently." Ward said that the trust has never approached him about buying his home.

(continued on page 3)

Pat Bischoff's sojourn ended mystery of 'island'

Patricia Bischoff, 44, of 72 Dana Street, decided she would return to school eight years ago.

"I thought I would only take a couple of courses," she said, "I had no idea that I would get involved. I just thought it would be a good way to fill my time."

On Saturday, June 1, Mrs. Bischoff graduated with her M.L.A. from the UMass school of Landscape Architecture.

Her thesis was a detailed history of a site, long shrouded in mystery, the "island" between North and East Pleasant and Triangle Streets.

Bischoff studied the history of the site, which is planned as a 3.3 acre park. Funds for the project were left by the late George S. Kendrick, who died in 1930. (see separate story today and Amherst Records June 2, 5).

"Most of the students in the masters program chose projects with a much greater scope than mine, and I'm really grateful that I was allowed to go ahead with this project," Bischoff notes.

She relates much of the success of her project to the understanding and cooperation she received from Prof. John Martin, who encouraged her on the Kendrick Park project.

She took her undergraduate degree at Western College in Oxford, Ohio, where she majored in interior design.

PATRICIA BISCHOFF

Bischoff is married to David Bischoff who is in the Provost's office at UMass.

She is the mother of three children: Cindy 19, at the University of Maine; Steve, 16, at Williston Academy; and Ingrid, 11, a student at Wildwood.

The Bischoffs have lived in Amherst since 1957.

intention of the open meeting law, if any municipal officer wished to use this route to discuss local affairs rather than bringing them before an open meeting. (This is not believed to have occurred in Amherst.)

Opening the packet, selectmen explained, was in the "spirit of the open meeting law," to encourage fuller, well-informed participation by citizens in Amherst affairs. Had the question arisen this summer instead of last, it would have been settled for the board by Ch. 1050.

THE CONTROVERSIAL "TOWN CRIER CASE," decided by Surpeme Judicial Court Judge Joseph Tauro in the spring of 1972, severely limited access to documents held by municipal officers. Even records previously presumed to be public were declared not to be.

In handing down his decision, Tauro wrote, "...while the Legislature has liberalized access to governmental records since the enactment of the first statute defining 'public records,' it has at no time broadened the statutory definition to cover, in effect, all records kept to public officials... Any further extension of the definition to additional classes of government records is clearly a legislative function."

"I wish I could say this bill was a reaction to the Town Crier case," Businger said, "but it wasn't." His first attempt to get similar legislation passed was already en route to failure when the case was before Tauro.

Robert Hathaway of the Mass. League of Cities and Towns, like Businger, expects that some "gray areas" may end up in court. "I think it's inevitable," Hathaway said.

He commented that he believes the intent of the legislation was good, and that he expected most municipalities across the state would comply voluntarily.

"I am concerned," he added, "that closed." As an example, he said he questioned whether written communications on labor negotiations could be kept confidential.

The law lists as an exemption "Inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency..." but it would be up to those involved to prove that labor negotiations could be defined as "policy positions."

Laws opening all public business to full scrutiny have "gone to absolute extremes," Hathaway claimed. He mentioned one state which had declared any meeting between two or more officials to be a public meeting. "It so happens that in one family, both husband and wife are elected officials. I don't think anyone has come up with a solution to that one yet."

● Kendrick Park

(Continued from page 1)

Ernest M. Whitcomb, 92, of 76 Lincoln Ave., founded the Amherst Boy's Club in 1922. Many people in town have speculated that it was he who was donating the Kendrick Park to the town. One of the reasons speculation grew was that Whitcomb was named an original trustee of the Kendrick fund.

Thomas Quarles of the trust department at the First National said Thursday, "So far as I know, everyone who owns property on the 'island' has been contacted by the trust, and they have expressed the feeling that they want everything to reamin as it is for the time being."

Quarles added that "It's no secret that the trust is a willing buyer of any property that remains outside of its ownership."

Recreational Vehicle Committee, Larch Hill Committee, Recruitment Committee; Neighborhood Youth Corps program; Carriage House repair; meet with Mr. Descenza and Mr. Hallahan of Homebuilders Assoc. of Greater Springfield about Wetlands Act; bridge and path in Amherst Fields conservation area; discuss status of land on Potwine Lane with Mr. Blow and Mr. Rogalski.

7:45 - Citizens Advisory Committee. Board Room.

8 - Cable TV Advisory Committee. Second floor.

THURSDAY, JUNE 13

4 - Board of Health. Board Room.

7 - Personnel Board. Tower.

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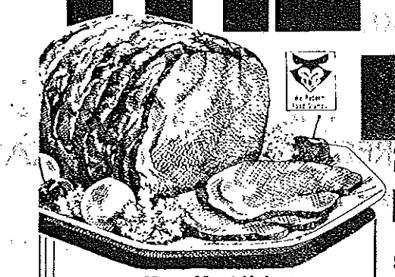

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