

TOWN OF FRAMINGHAM

SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN MARCH 21, 1955

The regular meeting of the Board of Selectmen was held at 2:00 o'clock P.M. Present: Mr. Norman B. Hartnett, Chairman, Mr. John M. Kennedy, Clerk, and Mr. John C. Acton.

COMMON VICTUALER'S LICENSE CANCELLED

The Common Victualer's License granted to Arthur J. Travis, Inc., at 931 Worcester Road under date of December 20, 1954 was cancelled at the licensee's request.

DANCE LICENSE

A Dance License was granted to the Portuguese Recreation Club, Lower Dennison Hall, Concord Street, April 9, 8 to 11:30 P.M.

APPLICATION FOR DISABLED VETERAN'S PEDDLER'S LICENSE

The application of William D. Kerr, 112 Central Street, for a Disabled Veteran's Peddler's License was approved.

HAWKER'S AND PEDDLER'S LICENSE

A Hawker's and Peddler's License was granted to Richard S. Brodie of 22 St. Lo Road.

SPECIAL MALT AND WINE BEVERAGE LICENSES

Special Malt and Wine Beverage Licenses were granted to the following:

Framingham Country Club, Inc. - Gates Street, March 26, 6:30 to 11:30 P.M.

Framingham Lodge of Elks - Green Acres, April 9, 6 to 11:30 P.M.

Portuguese Recreation Club - Lower Dennison Hall, April 9, 8 to 11:30 P.M.

APPLICATION FOR STATE PEDDLER'S LICENSE

The application of John J. Gavin, 30 Brookfield Circle, for a State Peddler's License was approved.

SUNDAY ENTERTAINMENT LICENSES

Sunday Entertainment Licenses were granted to the following:

Fram Gard Theatres - Gorman & St. George Theatres, March 27.

Cinema Theatre - Shoppers' World, March 27.

SIGN PERMIT

A Sign Permit was granted to the First National Stores, Inc., Belle Perlstein, Mack Sign, Inc., 196 Concord Street.

STREET OPENING PERMITS

Street Opening Permits were granted to the following:

Boston Edison Company - School Street at 25 feet east of Hamilton Street, removing one JO pole, March 22 to June 22.

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Boston Edison Company - Lake Road at 145 feet South of Salmi Road, installing one Edison pole, March 22 to June 22.

RATIFICATIONS

Action taken informally in granting permits was ratified:

Obstruct sidewalk - Fargo Signs, 9 Hollis Street, erect sign, March 15.

Obstruct sidewalk - Mobeco, Inc., 450 Waverly Street, repair sign, March 21 to March 24.

Obstruct sidewalk - Peterson Awning Co., 82 Concord Street, erect awning, March 17.

Obstruct sidewalk - Mack Signs, Inc., 196 Concord Street, remove and erect sign, March 16.

Obstruct sidewalk - Farrell Signs, 27 Hollis Street, repair sign, March 16 to March 17.

Open, occupy and obstruct street - Worcester Gas Light Company, Learned Street from Thurber Street southerly, March 22 to April 22.

Open, occupy and obstruct street - Worcester Gas Light Company, Thurber Street from Learned Street westerly, extend gas main, March 22 to April 22.

SEASONAL LIQUOR

It was voted to grant, subject to the approval of the Alcoholic Beverages Control Commission, the following licenses:

All Alcoholic Beverages, Seasonal, Restaurant:

John Borghi d/b/a Waverly Cafe, 866 Waverly Street.

Cross-Town, Inc., Albert Grico, Manager, 12 Davis Street.

Giovanni's, Inc., John Cullati, President and Manager, 70 Worcester Road.

All Alcoholic Beverages, Seasonal, Club:

Framingham Country Club, Inc., Harold G. Whitney, President & Manager, Gates Street.

Treadway Inns Club, Inc., Robie L. Faulkner, Manager, 11 Salem End Road.

Local Union No. 422 UAW-CIO Building Corporation, Robert G. Windheim, President and Manager, 32 South Street.

LIQUOR SEASONAL DENIED

The application of the Centre Cafe of Framingham, Inc., Frank P. Drago, Manager, for an All Alcoholic Beverage Seasonal

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Restaurant License at 6-8 High Street, was denied because there are none available.

HEARING SCHEDULED

A hearing will be held on March 28, at 3:45 o'clock P.M., in the Selectmen's Office, Room 21, Memorial Building, on the protest of the Berean Holiness Church on the granting of a license to the Framingham, Massachusetts Lodge No. 1264 of the Benevolent and Protective Order of Elks of The United States of America, Joseph L. O'Malley, Exalted Ruler and Manager, to sell All Alcoholic Beverages, Seasonal, as a Club at 450 Union Avenue.

PETITIONS

The petition of the New England Tel. & Tel. Co. JO Boston Edison Co. for the abandonment and removal of four joint poles on Eaton Road, southerly side, easterly from a point approximately four hundred and thirty-five feet east of Hemenway Road, guy wire and anchor on second pole, locations granted dated and recorded in Town Clerk's records, February 14, 1955, book nine, page five hundred and fifty-three, was approved.

The petition of the New England Tel. & Tel. Co. JO Boston Edison Co. for removal of joint pole and abandonment of joint location of one pole on School Street, approximately twenty-five feet northeast of Hamilton Street, dated and recorded in Town Clerk's Records February 11, 1947, book three, page two hundred and twelve, was approved.

INVITATION

The invitation of the Framingham Board of Insurance Agents to attend the dinner meeting to be held on Wednesday evening, March 23, at 6:30 o'clock P.M., at The Maridor, was received. All members of the Board will be pleased to attend, but inasmuch as we have a meeting with the Grade Crossing Elimination Committee, the Board will, of necessity, have to leave early.

APPOINTMENTS

The following were appointed special police officers for a term of one year:

Marco Tiramani - James H. Hickey.

HEARING

A hearing was given Nathan H. Marmar, a registered pharmacist d/b/a Arthur J. Travis, Inc. on his application for a license to sell

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All Alcoholic Beverages, to be drunk off the premises under Chapter 138, Section 15, of the General Laws, at 931 Worcester Road, in a two story building, in said Framingham, in one room, first floor, rear room for storage of stock only on first floor, and cellar for storage of stock only, of said building. Nathan H. Marmar, Alden Seltzer, attorney for Mr. Marmar, Hugo Giargiari, Manager of the Framingham Liquors, Inc., James L. Gormley, Manager of O'Brien's Package Store, Inc., Charles Garbarino of D. Garbarino Package Store, Inc., Dina Datti, Manager of Datti's Package Store, Inc., and John J. McLellan, President and Manager of the M & M Package Store, Inc., and Cornelius Maguire, Treasurer of the M & M Package Store, Inc., were present. Attorney Seltzer stated that the same statute that gave authority to local licensing boards to issue licenses to package stores also gave the authority to local licensing boards to issue licenses to pharmacists without regard to quota. He further stated that this statute has been on the books for twenty-three years and has never been repealed. He said the issuance of a license to this location is between Boston and Worcester, and the issuance of a license to a drugstore in the center of town where the area is congested is different than on the Turnpike where cars go by. He further stated that each individual application should be taken in the light of its own facts. He stated that Mr. Marmar's store is a large, clean store, and that it does not mean that he is going in the liquor business. He also said that Mr. Marmar cannot give up the pharmacy and go into the liquor business because the license would be invalid. He stated that druggists have these licenses in Sturbridge, Palmer, Wrentham, and Chelsea, and there are one or two in Springfield, and they are well governed by the Alcoholic Beverages Control Commission. Attorney Seltzer further stated that Mr. Marmar does not want this license to force out the package stores. He further stated that the package stores have a protection that no other business has due to the quota. Attorney Seltzer further stated that some drug stores are not equipped to handle liquor, and also that the handling of liquor is expensive. He also said that this statute is relatively unknown in this state, and that there are around twenty-five such licenses in this state, and that the statute has not been repealed. Attorney Seltzer respectfully asked that the Board grant such a license. Hugo Giargiari, Manager of the Framingham Liquors, Inc., stated that he had a letter from Romeo L. Pendolari, Manager of Pendolari,

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Inc., which he read. Mr. Pendolari, due to previous engagements, was unable to be present at this hearing, and wrote that the Framingham Package Store Association has not changed its views on the issuance of package store licenses to drug stores, under Section 15, Chapter 138, since the meeting with the Selectmen March 14. The letter was left with Mr. Hartnett, Chairman of the Selectmen. James Gormley, Manager of O'Brien's Package Store, Inc., stated that he would like to have Messrs. Maguire and McLellan introduce themselves. John J. McLellan, President and Manager of the M & M Package Store, Inc., stated that he did not know there was a law to do so, but if it is a law there is not much they can do about it, and that he is going to leave it in the hands of the Selectmen. Cornelius Maguire, Treasurer of the M & M Package Store Inc., stated that he concurs with Mr. McLellan. Mr. Marmar stated that going into this has taken quite a bit of thought. He also stated that he has run a drug store and has had a liquor license since he has been here, and that it was operated many years before he came here. He was of the opinion that it does not mean because there is liquor in a drug store that it will increase juvenile delinquency more than in a package store. He said he spoke to many of the people in the area, and in many cases he has been asked in past years why he did not have a better arrangement in selling liquor, and that he has aggravated people because they wanted liquor on a holiday and he has lived up to the law, and that some of the customers have had ill feeling for him on this account. Mr. Marmar presented a petition with one hundred and thirty-six names in favor of the license being granted. Mr. Hartnett stated that the Board would take the matter under advisement.

A public hearing was held at 2:45 o'clock P.M., in the Selectmen's Office, Room 21, Memorial Building, on the petition of the Boston Edison Company for one pole on Lake Road, easterly side, approximately one hundred and forty feet south of Salmi Road. No one was present in favor of, or in opposition to, the granting of this petition and the same was granted.

CONFERENCE

Miss Katherine O'Brien conferred with the Board in regard to the \$6624.00 amount of insurance on town buildings due and carried over from 1954 (Warren Oaks School). Mr. Hartnett stated that the night of town meeting, March 16, the Selectmen conferred with Mr. McCallum, Chairman of the School Committee, and the amount of \$2500.00 was put in for Unpaid Insurance. Miss O'Brien said she is at a loss where it was \$2500.00. She further stated that the amount

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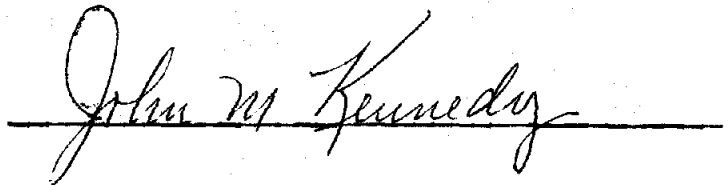
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of \$6624.00 is for the policy year commencing May 1, 1954 to May 1, 1956. She also stated that the first one-third was paid by the town(\$3312.00). Mr. Acton asked her if the company wants the two-thirds now, to which she replied "yes". She further stated that May 1, 1955 to May 1, 1956 in the amount of \$3312. expires this year, and the May 1, 1956 to May 1, 1957 amounting to \$3312. expires next year. It was decided to pay the \$6624. out of the \$20,000.00 on the insurance on town buildings account in the 1955 budget, and if the \$20,000. does not cover the insurance on town buildings for this year, the Board will ask the Finance Committee for a transfer.

ADJOURNMENT

The Board adjourned at 5:45 o'clock P.M.



CLERK