

TOWN OF FRAMINGHAM

SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN APRIL 12, 1971

The regular meeting of the Board of Selectmen was held at 7:30 o'clock P.M. Present: Mr. John F. King, Chairman, Mr. John F. DelPrete, Clerk, and Mr. Peter W. Ablendi.

WARRANTS:

- #35 - Bill - April 12, 1971 - \$141,403.64
- #36 - Pay Roll - April 12, 1971 - \$153,206.31
- #37 - Pay Roll - April 12, 1971 - \$65,281.41

BOWLING ALLEY LICENSE - Eula M. Kemp d/b/a Kemp's, 14 Kendall St., 10 bowling alleys.

SPECIAL MALT BEVERAGE AND WINE LICENSES:

St. Jeremiah's Parish-at Church Hall, 43 Brook St., April 17, 8:00 to 12 p.m.
Sisters of St. Joseph Father's Club, 85 Bethany Rd., June 13, 8 a.m. to 6 p.m.

SUNDAY ENTERTAINMENT LICENSES:

Caesar Tamagno Inc. d/b/a Monticello Restaurant, rear 90 Worcester Rd., April 18, 1971:

1. Comic, singers, dancers, M.C., trio, background music.
2. Patron's dancing.

LaCantina, Inc., 911 Waverly St., April 18, 1971:

1. Live entertainment.
2. Patron's dancing.

LaBimba, Inc., 1672 Worcester Rd., April 18, 1971:

1. Live entertainment.

Sisters of St. Joseph Father's Club, 85 Bethany Rd., June 13, 1971:

1. Horse Show.

Eula M. Kemp d/b/a Kemp's, 14 Kendall St., April 25, 1971 to April 16, 1972:

1. Bowling alleys.

SIGN PERMIT - Saxton Sign Co., Centre Market, Richard T. Hulme, 939 Worcester Rd.

RATIFICATIONS:

Obstruct sidewalk - John LaFort, Concord St., at National Bank, change bulbs in sign, April 12, 1971 to April 15, 1971.

Obstruct street and sidewalk-Logue Bldg. Co., Lexington St., at Tel. Co., construct addition to Tel. Bldg., April 12 to Oct. 13.

Open, occupy and obstruct street:

Fantoni Co., Inc., 13 Main St., install water and sewer services for new apartments, April 9 to May 9.

Howard M. Blades, 821 Old Comm. Path, rear 821 Old Comm. Path also, sewer and water connections, April 13 to 14.

Howard M. Blades, 25 Hardy St., sewer and water connections, April 12 to 13.

APPLICATION FOR CERTIFICATE OF INCORPORATION:

The application of Edward J. Baker, Jr., Framingham, (and others not residents of Framingham) for a certificate of incorporation under the name of "Massachusetts Association of Transportation Constructors, Inc." to be located in the City of Newton was approved as far as the Framingham resident is concerned, and the Secretary of State so notified.

JURORS:

The following were drawn to serve as jurors at Lowell, May 3, 1971:

Milton Salmon, 132 State St.
Leonard H. Hunt, 12 Springhill Rd.

The following were drawn to serve as jurors on May 3, 1971 at Cambridge:

Thos. W. Richardson, Jr., 3 Auburn St.
Robert B. Miller, 215 Grove St.
Herbert Gitell, 27 Blackberry Lane.

The following were drawn to serve as jurors (Special Venire) on May 10, 1971 at Cambridge:

Arthur J. Lucier, Jr., 23 Poplar St.
William A. Bluestein, 12 Dunham Rd.
Joan L. Kelleher, 10 Davidson Rd.

APPOINTMENTS:

Special Police Officer - Conrad St. Onge - term of one year, effective April 12, 1971.

Human Relations Council - Frances Rodriguez, term ending July 20, 1973 (to fill unexpired term of Cesar Coloma).

Industrial Development Commission - five years ending March 31, 1976:

Eugene F. Kilham
Steven A. Masterson
Francis J. Donahue

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PETITIONS:

The petition of the New Eng. Tel. & Tel. Co. for the following permission: Boston Post Road, from Marlborough-Framingham Town Line extending easterly along Boston Post Road to the Framingham-Sudbury Town Line, approximately 185' of buried cable, on which a public hearing was held on April 5, 1971 and tabled to April 12, 1971 was discussed. Joseph Melpignano, representing the Telephone Co., appeared in favor. There was no opposition, and it was voted to grant the petition.

The petition of the Boston Edison Co. for one pole location on Central St., in an island at Edgell Road, on which a public hearing was held on April 5, and tabled to April 12, was discussed. James Powers, representing the Edison Co., appeared in favor. There was no opposition, and it was voted to grant the petition.

HEARING:

A public hearing was held at 8 p.m. in the Selectmen's Office, Room 21, Memorial Building, on the petition of the New Eng. Tel. & Tel. Co. for the following permission: Hollis St., easterly side between Waverly and Irving Sts., one manhole. Joseph Melpignano, representing the Telephone Co., appeared in favor. There was no opposition, and it was voted to grant the petition.

CONFERENCE - DOG LEASH LAW:

The Board met with Mrs. Marcia Davis of Catherine Road concerning a complaint registered by her regarding enforcement of the Town's dog leash law. Also present were Mrs. Barbash and Mrs. Mulhern. Mrs. Davis complained strongly that many dogs are permitted to wander, in violation of the leash law, and no action is taken despite many complaints by her and other residents in the area. She noted they were anxious particularly with a Great Dane and German Shepherd in her neighborhood who are constantly running loose, calling attention to the fear instilled in the children as a result of several incidents of dog biting. She noted the dog officer has been called many times, and that she has filed as many as fifteen complaints, appearing in court four times, and felt positive action should now be taken by the Board. Selectman DelPrete pointed out that the position of dog officer was only part-time and it was difficult for him to be all places at all times. Mrs. Mulhern told the Board it was her feeling there should be more than one man enforcing this law - that the present dog officer was over burdened. Chairman King informed the group that this position was presently being reviewed as a result of the Sheehan Report. He noted the cost to the Town for maintaining a dog department, and the number of calls received per day. Much discussion followed. Selectman Ablondi stated strongly that the public should be made aware that effective immediately any unleashed dog would be picked up and taken to the pound - and released only at the owner's expense. Mrs. Davis was assured that the Dog officer would visit her the following day. The Dog Officer will be instructed to pick up all loose dogs.

SIGN - WAVERLY ST. AND TOWN LINE:

Mr. Attilio Franchi appeared before the Board concerning a long standing complaint regarding speeding on Route 135, Waverly Street at the Framingham Town Line. He elaborated on the hazardous conditions at this location and requested speed zone limits be posted. He expressed the concern of many of the residents in this area, calling attention to the accidents which have occurred here. Sergeant Foley advised Mr. Franchi that the Town was not authorized to post speed zone signs on a State highway. Much discussion followed regarding corrective measures which could be taken at this location. Upon the recommendation of Sergeant Robert Foley, Safety Officer and Mr. Franchi, the Board authorized Sergeant Foley to make provisions for a large sign reading "Entering Framingham - Thickly Settled Area". Further, Sergeant Foley will check into the feasibility of painting a double yellow line at this location as requested by Mr. Franchi.

CONFERENCE - DINSMORE ROAD:

As a result of a strong warning issued last week by Safety Officer, Sergeant Foley, regarding hazardous conditions on Dinsmore Road, which would worsen with the occupancy of Unit E of Mr. Flatley's apartment complex, a conference was held with Town Departments involved in an effort to avoid many foreseeable problems. Present were Sergeant Foley, Planning Board Members, Chairman Vincent Garino, William McKeown, and Ralph Deady; Assistant Engineer to the Planning Board, John Myron; Commissioners of Public Works, John Jordan and Sue Galvin; Director of Public Works, Primo Silva; Thomas Flatley, and his attorney, John Garrahan; and several residents of the area. Sergeant Foley pointed out that he was led to believe sometime ago that considerable alterations would be made on Route 9 and Dinsmore Road; however, he learned that these alterations had not been made. He explained that inasmuch as the apartment complex was now completed and units were being rented, he was extremely concerned with the safety in the area - stressing the hazards involved. He suggested strongly that something should be done before people are allowed to move in.

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DINSMORE AVE. (CONT'D.):

He told the Board he had contacted the Traffic Engineer, State Department of Public Works, regarding plans for the intersection of Route 9 and Dinsmore Ave., however, they were unable to locate any plans.

Mr. Garino called to the Board's attention that there had been a great deal of study made before this plan was approved. He noted that the plan was not signed until the developer had agreed to give the Town an option on widening Dinsmore Ave. by ten feet, at their expense, and that he would build a separate egress road from Route 9 to the complex. Mr. Garino produced a letter furnished to them by the developer in which they agreed to set aside a ten foot strip and to construct a 40 foot right of way which enters Route 9 between the Golden Phoenix and the former Fifth Avenue package store. Attorney Garrahan reviewed the history of this complex with regard to the plans agreed to. He noted they were also very much concerned with the safety and traffic in this area and have cooperated to the fullest in the past, and would continue to do so. In reply to a question raised by Chairman King as to when reconstruction would take place on Dinsmore Ave., Attorney Garrahan explained this would be done as soon as they received instructions from the Board of Public Works. Much discussion followed regarding the 40' right of way. It was established that this road had not been completed inasmuch as they had not received approval from the State Dept. of Public Works. Primo Silva, Director of Public Works explained in detail the work that had been done, and the work that was necessary. He noted that construction could not be started until the State Department of Public Works approves the plan. Mr. Garrahan pointed out they had not requested approval from the State inasmuch as it was their understanding that they could not apply as individuals - that this request was to be submitted by the Town.

Mr. Flatley noted his disappointment in reading about this problem in the newspaper. He stated strongly he has never been confronted with this problem before, and was disturbed to read of the possibility of the Town withholding his occupancy permit until the work was completed. Noting that Mr. Flatley had agreed to build a road for the Town, Mr. Garrahan felt it was not a good precedent to turn around and say "until you build our road you won't get an occupancy permit." Chairman King stated his only concern was the safety of the public and he would be in favor of withholding the occupancy permit until the conditions are made safe. Selectman Ablondi stated he was against denying the permit. He felt it was the Town's responsibility to make the roads safe.

Mr. Garino repeated that as far as the Planning Board was concerned, they had worked very diligently on this plan, being cognizant of the safety factor and the amount of construction that was to take place in the area. He pointed out this was the reason they delayed so long in signing the plan - in order to make sure that every Board would be involved from a safety stand point. He reiterated they had gone over every phase repeatedly.

Mr. Silva explained that because the residents have requested retention of the trees, it would not be necessary to widen Dinsmore Ave. as long as the developer had agreed to build the separate road off Route 9. He indicated he was quite sure that someone at the state level had a copy of this plan and he would see what he could do to expedite approval by the State Dept. of Public Works for the intersection work. Further, he would make sure No Parking signs were posted on Dinsmore Ave. Mr. DelPrete asked him to be sure to check on the curb cuts involved. Mr. Flatley assured the Board that within a week or ten days, Dinsmore Ave. would be resurfaced. He noted, and Mr. Silva concurred, that part of the problem had been the winter weather which prevented them from working further on this road.

After much discussion, Chairman King asked Sergeant Foley if he would recommend occupancy based on the corrections which would be implemented immediately. Sergeant Foley indicated approval providing all corrections were made. A question was raised as to whether or not an occupancy permit would be available to Mr. Flatley. Chairman King replied a permit could be issued by the Building Inspector upon Mr. Flatley's request.

HEARING-AUBURN STREET:

A public hearing was held at 9:20 in the Selectmen's Office, Room 21, Memorial Building on recommendations submitted by Sergeant Robert Foley, Safety Officer to implement one way traffic on Auburn Street. Gene Kilham and Joe Rabbitt, representatives of the Framingham National Bank, Mr. and Mrs. Richard Neitz of Gateway Realty and Mr. Normand C. Martel, Mgr. of Red's Hardware, Inc. presented their opposition to one way traffic as it would be detrimental to their businesses. Also present were several residents who expressed their concern over the dangerous conditions that exist there, and requested relief.

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AUBURN STREET: (CONT'D.):

Several suggestions were made - i.e., Two Way Traffic on Beulah St. with a sign reading "Not a Through Way" - No Parking on Auburn St., Auburn St., Ext. and Beulah St. - Stiffer fines for violators. After much discussion regarding corrective measures to be taken, the Board voted unanimously on Sergeant Foley's recommendation to eliminate parking, both sides of Auburn St., Auburn St. Extension and Beulah St.

LIVERY LICENSE:

Mr. George Segal appeared before the Board to request a livery license which would enable him to rent or hire out automobile and driver for wedding parties, chauffeured trips and all other unscheduled trips. He noted this would also include trips from Framingham to other cities - as well as trips from and to the airport. He told the Board he had appeared before the Department of Public Utilities who had referred him to the local licensing authorities. Mr. Segal was asked to confer with Town Counsel, Aaron Bikofsky, for further clarification of his intent.

TRANSFER OF STOCK - FIFTH AVENUE LIQUORS:

William C. Anglin appeared before the Board requesting permission to transfer the capital stock of Fifth Avenue Liquors, Inc. to Ann and Salvatore Morganti of Natick, Mass. Present were William C. Anglin, owner of the stock, Salvatore Morganti, present manager of Fifth Avenue Liquors, Inc. and Attorney Richard Trifiro. Attorney Trifiro clarified that Mr. Morganti had not other interest in the business, directly or indirectly, within the Commonwealth of Massachusetts. Attorney Bikofsky noted that he had represented Mr. Anglin at the time of the original transfer, and he wished to clarify for the record that he had no interest in the license, nor with any officer with the corporation. He noted he had submitted his resignation concerning this matter long before this request. The Board unanimously approved the transfer of stock to Ann and Salvatore Morganti.

APARTMENT COMPLEX - NOBSCOT:

Mr. Wayne Thomas appeared before the Board to express his concern regarding a possible new apartment complex in the Nobscot area. He requested the Board's assistance in preventing this complex. Town Counsel, Aaron Bikofsky pointed out that this plan has not yet been approved by the Planning Board, and it would be proper procedure for Mr. Thomas to appear before the Planning Board to present his opposition.

DUNKIN DONUTS:

A complaint received against Dunkin Donuts, 266 Concord Street, by many residents in the vicinity protesting against loud noises, abusive language and constant disturbances as a result of the late night hours of operation was discussed by the Board. They called to the Board's attention the restriction which was imposed by the Board last year that the business be closed at 11:00 P.M., and requested enforcement of same. This matter will be referred to the Police Department for enforcement.

CLARIFICATION - LAND OFF SIMPSON DRIVE:

Attorney Bikofsky wished to clarify for the records that the Town had not turned down a gift of three lots of land on the Sudbury River, as mistakenly felt by some people, as it had never been offered as a gift. Town Counsel explained that in 1967 the Planning Board had reserved for the Town, under the subdivision control law, a three year option to buy the land. He noted, however, the option had run out and the land had not been purchased by the Town. A report from the Conservation Commission concerning this land indicated the land was more suitable for retention than development, but that an appraisal of \$2500 per lot was an excessive price to pay for it. If the price were more reasonable it should be purchased, however. Mr. Bikofsky will check further into this matter.

TAXI BUSINESSES:

Aaron Bikofsky, Town Counsel, informed the Board he had received several inquiries from people who wished to start taxi services in Framingham. He noted there were no regulations controlling the operation of taxi businesses in Framingham and suggested that the Board may wish to consider the desirability of adopting regulations in order to control the operation of taxi services. Mr. Bikofsky reminded the Board that they do have statutory powers to enact a bylaw if they feel the Town should have rules and regulations. Chairman King noted that a proposed bylaw, which had been submitted, was agreed to excepting for the rates. A meeting is being scheduled in two weeks with the presently operating taxi firms for the purpose of discussing this matter, and to discuss further regulations concerning the operation of a taxi cab business.

TOWN INSURANCE:

A suggestion to appoint a committee of representatives from Town Departments to study the question of insurance for town employees will be referred to Richard J. McNamara, Purchasing Agent. (See General Laws, Chapter 32B, Section 3 - referred to by Town Counsel, Aaron Bikofsky in a letter under date of April 12, 1971.

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TOWN EMPLOYEE IDENTIFICATION:

Selectman Ablondi reported that an identification card for town officials is currently being worked on by Dana Burdette, Director of Personnel.

HOUSE BILL #3602 (CENSUS):

The Board of Selectmen will request the support of Senator Edward L. Burke and Representatives, Belmonte, Golden, Burke and Nickinello, for House Bill 3602 presently before the House Ways and Means Committee, which would provide reimbursement, by the Commonwealth, to cities and towns, for expenses incurred for the special decennial census.

MEETING DATE CHANGE:

The Board of Selectmen will notify Town Clerk of a change in their meeting date from April 19, 1971 to Tuesday, April 20, 1971 due to the holiday.

TRAFFIC RULES AND REGULATIONS:

The Board unanimously voted recommendations submitted by Sergeant Robert Foley, Safety Officer, as follows:

GO SLOW CHILDREN SIGNS:

1. On Water St. at the intersection of Park Ave. for westbound drivers.
2. On Water St. 300 feet east of Fairfield Rd. for eastbound drivers.
3. On Sloane Drive 300 feet west of Mary Agnes Rd. and 300 feet east of Gregory Rd.

NO PARKING ANYTIME SIGN: - On Water St. north side from #123 to Park Ave.

ROAD NARROWS SIGN: - Belknap Rd. 300 feet east and 300 feet west of the grade crossing.

STOP SIGN: - On Normandy Road at the intersection of Flagg Drive.

The Engineering Department will be requested to study the intersection of Normandy Rd. and Flagg Drive - with recommendations to be submitted to the Board.

VOTE FOR APPROVAL OF COLLECTIVE BARGAINING AGREEMENT: (FIREFIGHTERS)

"Voted - that the Attached Form of Agreement presented to the Board of Selectmen between the Town of Framingham and the Framingham Fire Fighters, Local 1652, IAFF, AFL-CIO, the duly recognized collective bargaining representative for the unit described in said Agreement, be and hereby is accepted on behalf of the Town of Framingham and that the Chairman and the Clerk of the Board are hereby authorized to execute and deliver the said Agreement by and on behalf of the Town."

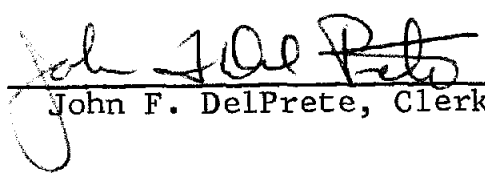
PAY SCALE-PRIVATE DUTY POLICE:

The Board noted receipt of a letter under date of April 8, 1971 from Lieutenant John Magri and Sergeant Paul Galvin requesting changes in the pay scale for police officers on private paid details. This matter was tabled.

AD HOC COMMITTEE ON HOUSING:

Selectman Ablondi stated the matter of the Ad Hoc Committee on Housing was not tabled - as mentioned in the records of April 5, 1971. He reported that members were still being sought for this Committee.

MEETING ADJOURNED AT 10:45 P.M.


John F. DelPrete, Clerk