

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

\*REGULAR MEETING OF THE BOARD OF SELECTMEN JUNE 21, 1971\*

The regular meeting of the Board of Selectmen was held at 7:30 p.m. Present: Mr. John F. King, Chairman, Mr. John F. DelPrete, Clerk, and Mr. Peter W. Ablondi.

WARRANTS:

#61 - Bill - June 21, 1971 - \$396,224.59  
#62 - Pay Roll - June 21, 1971 - \$189,573.22

LICENSE TO CONDUCT AUCTION AND ACT AS AUCTIONEER THEREAT:

Alan G. Rogers, five auctions shall be conducted at Holiday Inn, Worcester Rd., Framingham, Paul Clauson, Manager, 130 oil paintings (original) and 40 original graphics to be sold at auctions:  
Auction #1, July 3, 1971 - inspection 7:30 p.m. to 9 p.m. - auction 9 p.m. to 11:30 p.m.  
Auction #2, July 10, 1971 - same as #1. Auction #3 - July 17, 1971 - same as #1. Auction #4 July 24, 1971 - same as #1 - Auction #5, July 31, 1971 - same as #1. Effective date July 1, 1971.

COMMON VICTUALER'S LICENSE - Pizza Wagon, 1B Hamilton St. (Restriction, closing time 11 p.m.).

JUNK DEALER'S LICENSES:

Harry Carey d/b/a M & H Iron & Metal Co., 47 Blandin Ave.  
Harry Quitt, at 1 Second St.  
United Salvage Corp. of America d/b/a Framingham Salvage Co., 120 Waverly St., Owner is to create and maintain a high standard of housekeeping in yard and buildings at 120 Waverly St. (No trucks to be parked on public ways).

LODGING HOUSE LICENSES:

Ruth Craigin, 73 Hollis St.  
Gagne's Dug Out, Inc., 60 Kendall St.

SECOND HAND ARTICLES - Sidney Katz d/b/a Lou's Used Furniture, 80 Merton St.

SUNDAY ENTERTAINMENT LICENSES:

Caesar Tamagno, Inc. d/b/a Monticelle Restaurant, rear 90 Worcester Rd., June 27, 1971:  
1. Patron's dancing.  
2. Singer, magician, dancers, M.C., trio, background music.

William B. Haughey, Jr. d/b/a Liam's, 17 Edgell Rd., June 27, 1961:  
1. Live entertainment.

WRESTLING MATCH LICENSE - Al Ritchie - Loring Arena, June 30, 9 p.m. to 11:30 p.m.

OBSTRUCT STREETS:

Residents of Overlook Drive, 56 and 57 Overlook Drive, block party, June 25-8 to 12 p.m.  
Residents of Duggan Drive, Duggan Drive block party, June 25, 1971 - 5:30 p.m. to 12 p.m. entire length of st. and entire width of st.

RATIFICATIONS:

Obstruct sidewalk:

Alco Sign Co, Inc., 46 Concord St., erect sign, July 6, 1971 to July 8, 1971.  
Sparkle Wash, 116 Concord St., cleaning front of building, June 22, 1971.

Obstruct street - New Eng. Tel. Co., manhole covers - Union Ave., resurfacing around manhole covers at Lexington, Henry, Eden, Melrose, Beech, P.17 $\frac{1}{2}$ , Walnut & Otis Sts., June 15 to 16.

St. Opening - Fantoni Co., Inc., 25 Wilson Ave., water and sewer service, June 21, 1971 to July 21, 1971.

APPOINTMENT OF SPECIAL POLICE OFFICERS - The following were appointed special police officers for a term of one year effective June 21, 1971: Marie Joyce - Leslie C. Straight.

BUILDING INSPECTOR:

It was voted to authorize the Building Inspector to issue a permit to Peter J. Forte, Jr., for the construction of a kitchen extension in the rear of his house at 135 Jean St., with an 8'5" rear yard.

It was voted to authorize the Building Inspector to issue a permit to Robert M. Chishelm for the construction of an above-ground swimming pool at 54 Prier Drive, with a 4' side yard.

It was voted to authorize the Building Inspector to issue a permit to Wm. H. Monaghan for the construction of additional living space at 21 Doris Rd. with a 12' side yard.

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### CONFERENCE - SIDEYARD VARIANCE (MALINE-MANCUSO):

The Board met with Mr. and Mrs. Morris Maline, Joseph Mancuso and Al Ewald regarding a request from Mr. and Mrs. Maline for a variance for their existing building. Mr. Ewald explained that Paul Livoli had originally incorrectly built Mr. Maline's home at 23 Lanewood Avenue, approximately four feet from the neighboring property. Inasmuch as it did not meet the fifteen feet sideyard requirement, several problems had arisen. Mr. Mancuso, the abuttor, reported that a Land Court decision had found that Mr. Maline's house was in violation of the building code. He objected to the granting of a variance to Mr. Maline as he felt that inasmuch as the builder had made the error, it was his responsibility to rectify this situation by purchasing ten feet of his property. He noted that the problem now was one of practicality and not legality. Town Counsel indicated that a legal problem could arise in the event Mr. Maline wished to sell his home at any time in the future. Much discussion followed regarding this problem, and the Board took this matter under advisement after hearing all the facts.

Further discussion followed at the end of the Selectmen's meeting. Town Counsel noted that whether the Board grants this variance, or not, Mr. Maline will have a problem when he decides to sell his home. Mr. Ablondi felt Mr. Livoli should be taken to task for his error. Town Counsel will check further into this situation.

### HEARING - HATCH ACT (SAXON INVESTMENT COMPANY):

A public hearing was held in the Selectmen's Office, Room 21, Memorial Building at 7:45 P.M. on the application of Saxon Investment Co. for permission, under the provisions of the Hatch Act, to fill an area adjacent to Beaver Dam Brook to permit the construction of three two family houses. Present was Joseph Sullivan of McCarthy Engineering, representing Saxon Investment Co. Discussion followed on the plans submitted, and location. The following recommendations, submitted by involved Town Departments, were read by the Executive Secretary:

Conservation Commission: - No objection inasmuch as area has an insignificant flood retention value. Recommendation - soil materials that are used to form the steep three foot bank near Beaver Dam Brook be of a type that will not easily erode. Also planting of shrubs and grass.

Town Engineer: - No objection. Recommendation - the Builder be required to clean out the portion of the Brook abutting his project after the filling and construction of the homes is completed.

Board of Health: - Objection. Inasmuch as the proposed area is subject to flooding during the spring and after heavy rains. Fill could cause a detention area in the residents low land on Brackett Road, and the flooding of back yards and wet basements could occur.

In reply to a question raised by George Boulanger, an interested resident, Town Counsel advised him that the houses would be built in compliance with the Town's regulations. After further discussion, and review of the plans of the area involved, the Board voted to notify the Department of Natural Resources that they have no objection, providing there is adequate drainage, and the Brook is retained in the present condition with the same easy flow-upon completion of this project. The Town Engineer will be requested to investigate carefully the drainage situation during construction in order to assure there will be no problems after completion of this project. Also, they will be requested to check the Brook to insure that it is retained in the present condition upon completion.

### CONFERENCE - COLLECTIVE BARGAINING PERSONNEL AND PROCEDURES:

The Board met with Personnel Director, Dana Burdette and Collective Bargaining Committee Chairman, Jay Gordon at 8:10 P.M. regarding the appointment of the new Collective Bargaining Committee and discussion of Operating Procedures for Personnel Board and Collective Bargaining Committee. The following action was taken by the Board of Selectmen:

1. Present Collective Bargaining Committee dissolved as of June 21, 1971.  
Jay Gordon, Chairman, Frank Barbieri and Vincent Kaseta. Voted on the motion of Selectman Ablondi.
2. Appointment of new Collective Bargaining Committee for the 1972 Work Agreements, effective June 21, 1971.  
Jay Gordon, Chairman; L. Ward Franzen; John Hollensworth and Clayton Orser. Finance Committee representative will be named by that Committee when he is appointed.

Commissioner John Jordan, designated by the Board of Public Works to be a member of the Collective Bargaining Committee, in an advisory capacity, for all negotiations with Local 1156 for the 1972 Work Agreement.

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### COLLECTIVE BARGAINING (CONT'D.):

3. Operating Procedures for the Personnel Board and Collective Bargaining Committee, as submitted, were approved.
4. It was established that the Director of Personnel, Dana Burdette, would be the negotiator at all meetings, and in the event further discussion is necessary by any members of the Collective Bargaining Committee on any portion of the business at hand, a recess will be called, and further discussion will be held in closed session.

This was decided after much discussion by Selectman DelPrete who felt strongly that this should be the policy.

The Board's sincere appreciation and commendation was extended to the former members of the Collective Bargaining Committee for their tireless efforts, cooperation, and devoted service to the Town.

### TEACHER SALARY PAY PLAN:

As a point of information, Town Counsel, Aaron Bikofsky, discussed an opinion rendered by him to Mr. John Cavanaugh of the School Department concerning teacher salary pay plan. Town Counsel explained that approximately 70% of the teachers have made a request, this year, for their last five salary payments in a lump sum, which might cost the Town \$30,000 in interest. As a result, Town Counsel advised it would be in the best interest to continue to pay the teachers their salaries under the terms of their contract (26 equal payments), rather than borrow sums of money in order to pay them the lump sum. It was his opinion that following the agreed upon pay schedule would not violate G.L.c.71, Sec. 40, since that section, as enacted, applies to the time when teacher's compensation is "earned" rather than "paid".

### REDEVELOPMENT AUTHORITY - CONFLICT OF INTEREST:

The Board acknowledged receipt of Town Counsel's opinion regarding the conflict of interest question raised at a joint meeting last week between the Board of Selectmen and the Redevelopment Authority relating to newly elected member, Barry J. Walker, to the Redevelopment Authority. Copies of this opinion will be available to any interested persons.

### CONFERENCE = ALL ALCOHOLIC BEVERAGE LICENSE (GOGUEN):

The Board conferred with Frederick Goguen at 8:30 P.M. regarding his request for an All Alcoholic Beverages License at 22 Irving Street. Mr. Goguen discussed the relocation of his business to 22 Irving Street, and the parking provisions for an Italian Restaurant at this location. Mr. Goguen was advised to be prepared to show cause for an additional license at this location should a hearing be conducted on the matter.

### ASSESSOR'S REQUIREMENTS:

The Board acknowledged receipt of a letter from James F. Dwyer, Town Meeting Member, under date of June 16, 1971 regarding the Assessors' fulfillment of requirements as set forth in the by-laws, re-codified in 1967. Mr. Dwyer advised that he had communicated with Town Counsel, John M. Kahn, in March, 1971 concerning the 1969 and 1970 Assessors' Annual Town Report, which he felt was in error because certain information was omitted. Town Counsel will research the law in this regard.

### STREET OPENING PERMITS:

The Board acknowledged receipt of a report and recommendations of Safety Officer, Sergeant Robert Foley regarding procedures for issuing street opening permits. Sgt. Foley asked that all persons applying for the street opening permit be instructed not to start work until the Safety Officer has inspected and approved the area. This would be applicable to all persons or contractors working on Town Ways or Sidewalks and would only exclude "Duly Authorized Officers of the Town." Selectman Ablondi asked what prompted this recommendation. Assistant Safety Officer, Gerald Kearney, who was present, reported they have encountered many difficulties as a result of openings. He noted often times roads are closed, which they are not aware of, causing last minute rerouting of school buses, and felt if there were notification and warning prior to construction, then precautions could be taken. Chairman King pointed out that the general laws were very clear that the Board of Selectmen are responsible for issuing street opening permits, and as a result, should be better coordinated in order to obtain the best results for all concerned. Officer Kearney reiterated they were extremely concerned with the onstart of any construction work and felt adequate protection could be taken if they were alerted to all street openings. Selectman Ablondi said he would not approve any such recommendation until all Boards involved were cognizant of this, and felt a general meeting should be called in order that they might express their views. A meeting will be called of all Boards involved for further discussion.

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### HUMAN RELATIONS COMMISSION:

Upon the motion of Selectman John F. DelPrete, the Board unanimously appointed Father Anthony Vasaturo as a member of the Human Relations Commission, term ending July 20, 1973. Father Vasaturo fills the unexpired term of Reverend J. Armand Robichaud, S.M. who resigned June 14, 1971.

### TRAFFIC REGULATIONS:

Upon the recommendations of Safety Officer, Sergeant Robert Foley, the Board unanimously approved the following signs:

AUGUST DRIVE AT CENTRAL STREET - "NOT A THROUGH STREET SIGN."

\*\* LAKE ROAD - AT THE CART ENTRANCE BETWEEN 102 and 116 LAKE ROAD -  
"NO TRESPASSING - FIRE EMERGENCY ONLY."

\*\*A petition was received from residents of Lake Road requesting this sign because of the misuse of a right of way to Lake Cochituate.

### STOP SIGN - SLOANE DRIVE:

The recommendation of Safety Officer, Sergeant Foley, to remove the illegal Stop Signs posted on Sloane Drive by residents was taken under advisement. This has been a controversial matter for some time, and as a result of the action taken by the residents, Sergeant Foley pointed out other problems have developed which he feels cause many more problems than the sign can correct.

### VANDALISM - LAKE ROAD & DANFORTH PLAYGROUND:

As a result of complaints received from residents in the areas of the Danforth Playground and Lake Road regarding vandalism, the Board will request the Police Department to increase the police coverage in these areas, particularly during the summer months, in an effort to avoid many of the problems that occur at this time of year. The Police Department will also be alerted to the vandalism still occurring at the Pinefield and Roundup Shopping Centers and requested to disperse the groups congregated there.

### DINSMORE AVE. APARTMENTS - OCCUPANCY PERMIT:

The Board acknowledged receipt of a letter under date of June 17, 1971 from Primo J. Rizoli, Building Inspector, in which he asked whether he could issue an occupancy permit to Thomas Flatley for Building D.1 which is completed. The Board advised Mr. Rizoli they had no objection to the issuance of the occupancy permit, providing he receives assurance from the Department of Public Works that the sewage in this area is adequate.

### ACCIDENT CONTROL PROGRAM:

Receipt was noted of a letter under date of June 14, 1971 from Dana N. Burdette, Director of Personnel in which he reported the recent activity in the Accident Control Program. The Board's appreciation will be extended Mr. Burdette for his cooperation and effort in coordinating this program.

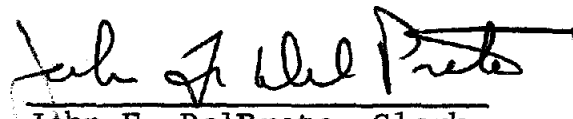
### RESIGNATION - ASSISTANT DOG OFFICER:

Receipt was noted of the resignation of Assistant Dog Officer, Richard D. MacDonald, effective immediately, in a letter under date of June 18, 1971.

### PARKING PROVISIONS - SMITH HOUSE:

The Board acknowledged receipt of a copy of letter to the Planning Board from Mr. Robert A. Lawson in which he expressed concern regarding a possible violation of the building code at 915 Edgell Road because of inadequate parking provisions. Mr. Rizoli, who was present, advised the Board that he has investigated this situation and has been assured by the owner that there is provision for adequate parking. He reported the owner has delayed marking off these parking areas inasmuch as all of the units have not been rented. Mr. Rizoli was asked to request the owner to proceed with the marking by Selectman John DelPrete. Mr. Lawson will be assured that adequate off-street parking is provided.

MEETING ADJOURNED AT 9:30 P.M.

  
John F. DelPrete, Clerk