

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

\*REGULAR MEETING OF THE BOARD OF SELECTMEN AUGUST 9, 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:

- #78 - Bill - Aug. 9, 1971 - \$81,256.72
- #79 - Pay Roll - August 9, 1971 - \$167,216.76
- #80 - School Pay Roll - August 9, 1971 - \$236,739.75

LICENSE TO CONDUCT AUCTION AND ACT AS AUCTIONEER THEREAT:

S. A. Crisafulli, to be held at Framingham Motor Inn, Worcester Rd., Aug. 10, 1971, items to be auctioned include 150 pieces, assorted oil paintings, pencil signed & stoned signed lithographs and sculptures. Inspection 7 p.m. to 8:30 p.m. Auction 8:30 p.m. to 11:45 p.m.

Alan G. Rogers, three auctions shall be conducted at Holiday Inn, Framingham, Paul Clausen, Mgr., Worcester Rd. Auction #1-Aug. 21, 1971 - inspection 7:30 p.m. to 9 p.m. - 130 original oil paintings - 50 graphics to be sold at auction. Auction #2-Sept. 11, 1971. Same as #1 - Auction #3 Sept. 18, 1971-same as #1 (effective Aug. 1, 1971).

INNHOLDER'S LICENSE:

Elinar P. Robsham d/b/a Framingham Motor Inn, 1600 Worcester Rd.

JUNK DEALER'S LICENSE - Irving M. Patz, of 6 Merrill Dr., Framingham, daily turnover in Boston.

SUNDAY ENTERTAINMENT LICENSES:

Recreama, Inc. d/b/a Chateau de Ville - 220 Worcester Rd., Route 9, Aug. 15, 22, 29, Sept. 5.

1. Live entertainment.

Giovanni's, Inc., 70 Worcester Rd., June 6, 1971 to May 28, 1972:

1. Juke Box.

Wm. B. Haughey, Jr. d/b/a "Liam's", 17 Edgell Rd., Aug. 15, 1971:

1. Live entertainment.

Marmon Restaurant, Inc. d/b/a The Meadows, 167 Worcester Rd., June 6, 1971 to May 28, 1972, inc.:

1. Dancing and orchestra.

CHANGE IN MANAGER-LIQUOR LICENSE - It was voted to grant, subject to the approval of the Alcoholic Beverages Control Commission, change in manager of the Retail Malt Beverage and Wine License of the D. & M. Food, Inc., 17 Hartford St., from Donato DiCenso, present manager, to Eligio J. Coniglio, new manager.

RATIFICATIONS:

Open, occupy & obstruct st.:

Fantoni Co., Inc., 150 Speen St., opening-installation of water (4") and sewer (6") Aug. 9 to Aug. 27.

Sim's Realty Trust, 196-200 School St. (two trenches), sewer and water lines, 8/4-8/13.

Woonsocket Improvement Co., 1645 Concord St., install new sewer line, Aug. 10.

Woonsocket Improvement Co., 1645 Concord St., install new water service, Aug. 9.

Woonsocket Improvement Co., 1645 Concord St., attach storm drain to drain in road, 8/9.

Sicébio Bros., Inc., 80 Main St., install water line, 8/3 to 8/6.

Saxon Homes Corp., lot #1 Nipmuc Rd., sewer and water services, 8/9.

Suburban Builders Trust, Brackett Rd., cor. Bates Rd., install water main, 8/11 to 18.

Open, occupy and obstruct street-Worcester Gas Light Co.:

Morse Rd., supply gas service, Aug. 3 to Oct. 3.

131 Concord St., replace existing 1½" L.P. service with a 4" L.P. service, 8/3 to 10/3.

APPLICATION FOR CERTIFICATE OF INCORPORATION:

The application of Bernard Gunner, Framingham, and others not residents of Framingham have filed in the office of the Secretary of State an application for a certificate of incorporation under the name of "Club 317 Inc." to be located in the Town of Natick, was approved as far as the Framingham resident is concerned and the Secretary of State so notified.

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APPOINTMENT OF SPECIAL POLICE OFFICERS:

The following were appointed special police officers for a term of one year, effective Aug. 9, 1971:

Donald P. Lambert, Walter E. Kilroy, Carl F. Bragner, Reginald J. Neal.

Lloyd Martin, Sr., was appointed a special police officer for a term of one year, effective Sept. 22, 1971.

BUILDING INSPECTOR:

It was voted to authorize the Building Inspector to issue a permit to Virginia Sinclair and Gladys V. Mouridian for the construction of a house and attached garage, at 1B Day Hill Rd., with a side yard of 3'.

HEARINGS:

A public hearing was held at 8 p.m. in the Selectmen's Office, Room 21, Memorial Building, on the petition of the Boston Edison Co. for the following permission: Belknap Rd., northwesterly from a point approximately 17' northwest of Knight Rd. Ext., a distance of about 20' - conduit. Wm. Stickney, representing the Boston Edison Co., appeared in favor of the granting of the petition, and there was no opposition to it. It was voted to grant the same.

A public hearing was held at 8 p.m. in the Selectmen's Office, Room 21, Memorial Building, on the petition of the Boston Edison Co. for the following permission: Belknap Rd., northeasterly side, approximately 35' northwest of Knight Rd. Ext., one pole, guy wire and anchor. Wm. Stickney, representing the Boston Edison Co., appeared in favor of the granting of the petition, and there was no opposition to it. It was voted to grant the same.

CONFERENCE - SOUTH MIDDLESEX OPPORTUNITY COUNCIL, INC.:

The Board met with Paul Houlihan and Donald Brown of South Middlesex Opportunity Council, Inc. and Dana Burdette, Director of Personnel. Also present was Jay Gordon, Chairman of the Collective Bargaining Committee. Mr. Houlihan explained briefly to the Board, S.M.O.C.'s programs and management situation. He explained that in the next six months, Massachusetts is expected to get twenty-four million dollars in federal funds for emergency employment. The twelve largest communities will get the first funding, but the towns with population numbering under 75,000 can group with surrounding towns in order to be eligible for such funds. S.M.O.C. is trying to lay the ground work in order to present a program, but are particularly interested in beginning the job description phase and are calling upon the Selectmen to support such a program which would, hopefully, bring additional employment to the Town. The program would be a two or three year program and would help create positions that, in the past, have been considered only on paper by the Town due to insufficient funds. Mr. Ablondi indicated that he would want the Framingham Selectmen to participate in such a program, but suggested that it should be done through our Personnel Department. Mr. DelPrete questioned whether or not the additional personnel would be expected to join the union. He was informed that there are rules and regulations which require an employee to join the union after he has been a town employee for a certain number of days. Mr. King said that he could not get very enthused about Federal Funds because many times a position is created and then when there are no more funds, the position is then deleted again. Mr. King continued that we must be careful that we do not create thirty or forty positions and then find out in two or three years that there are no more funds to cover the positions. Dana Burdette, Personnel Director agreed that there are many pros and cons, but feels that Framingham will be greatly criticized if we do not attempt to participate in such a program, and do not try to get our share of funds that may be available. He also indicated that we should go into the program cautiously, paying particular heed to pay scales so that we do not upset or hurt present town employees. Amy Moran, Chairman of the Human Relations Commission wondered whether we could create the positions and within a couple of years, when the economy has improved, perhaps the town will be able to continue with the positions. The Selectmen agreed that we should participate in this proposed program, and suggested that S.M.O.C. officials work with the Personnel Director regarding same.

HATCH ACT HEARING (SIMPSON DRIVE):

The adjourned Hatch Act Hearing (Beno Cirioni, lots 11 and 12 on Simpson Drive) scheduled for 7:45 P.M. was not held inasmuch as the involved parties failed to appear.

HEARING - E.C. MURRAY CONSTRUCTION CO. (HEIGHT VARIANCE):

A public hearing was held in the Selectmen's Office at 8:00 P.M. on the application of E. C. Murray Construction Co., Inc. for permission to build a transmitting tower 97' in height on Taylor Street, Framingham pursuant to Article XXIX, Sec. C. of the Building Code of the Town of Framingham. The Board unanimously voted to grant same.

FRAMINGHAM MOTOR INN (TRANSFER OF OWNERSHIP):

A public hearing was held in the Selectmen's Office at 8:15 P.M. under Chapter 138, Section 23 of the General Laws on the application for a transfer of ownership of the All Alcoholic Beverages License as an Innholder, from JHS, Inc. d/b/a Framingham Motor Inn to Binar P. Robsham d/b/a Framingham Motor Inn, at the same location, 1600 Worcester Road. Mr. Samuel Geraci, present manager of the Motor Inn informed the Board that he would continue as manager under the new ownership. A motion was made, seconded and voted unanimously to approve said transfer.

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RESIGNATION - CONSERVATION COMMISSION:

The Board voted unanimously to accept with regret the resignation of Harry S. McPhilimy as a member of the Conservation Commission, effective August 17, 1971.

RESIGNATION - DEPUTY BUILDING AND WIRE INSPECTOR:

The Board voted unanimously to accept with regret the resignation of Roland K. Kittredge as Deputy Building and Wire Inspector, effective August 1, 1971.

D. & M. FOOD, INC. - <sup>A</sup>TRANSFER OF STOCK AND MANAGER:

Attorney Paul D. DeCenzo, on behalf of D & M Food, Inc. 17 Hartford Street, requested approval of a transfer of stock and change in manager in D. & M. Food, Inc. from Donato DiCenso and Asunta DiCenso to Antoniette Coniglio and Eligio J. Coniglio (lt. 8/2/71). Discussion was held during which it was questioned whether or not this transfer required publication in the newspaper. Town Counsel noted that the law does not require publication, however, in accordance with the liquor policy adopted by the Board in 1969, the Board could request publication of this transfer. Present at this conference were Messrs. DiCenso and Coniglio, and Attorney Stephen Weitz, representing Mr. Coniglio. After discussion with Attorney Weitz, the Board agreed that publication would not be requested inasmuch as there would be no change in name or location of the firm. The Board voted unanimously to approve the transfer of stock as listed below, and transfer of manager from Donato DiCenso to Eligio J. Coniglio .

1022 shares from Donato DiCenso to Eligio J. Coniglio.

979 shares from Donato DiCenso to Antoniette Coniglio.

1 share from Asunta DiCenso to Antoniette Coniglio.

FREDERICK A. GOGUEN \*

A request from Frederick A. Goguen for a formal hearing for an All Alcoholic Beverage License was granted.

POLICE APPOINTMENTS:

A letter was acknowledged from Mabel Campbell, Director of Civil Service in which she advised that on directions of the Office of the Attorney General, the certification of July 23, 1971 for four Permanent Full-time Patrolman, was withdrawn. This action was directed as a result of a grievance which is currently on record, and thus far, unresolved. Mr. Ablondi feels that we should request from the Civil Service, a definite set time during which the grievance will be solved so that these appointments can be taken care of as quickly as possible. Mr. DelPrete indicated that he is going to request that all future appointments be made from Framingham residents prior to consideration being given other applicants.

ELECTION - CONSERVATION COMMISSION:

The election scheduled jointly with the Conservation Commission at 8:30 P.M. to fill the vacancy existing in the Commission, caused by the resignation of William C. Robison was postponed until the next regular meeting of the Selectmen inasmuch as only one member of the Commission was present to give a recommendation for the filling of said position. Town Counsel explained that all members of the Commission should be present to vote with the Selectmen on the filling of the vacancies. The vacancy created by the resignation of Harry McPhilimy is expected to be voted on at the same time.

CROSSING GUARDS - REPLACEMENT:

A letter was acknowledged from Marie Mulhern, Crossing Guard Supervisor, regarding the resignation of one crossing guard, and the request for leave of absence from another. Sergeant Foley was requested to meet with the Executive Secretary to review the applications for the position .

TOPICS MEETING:

An invitation from the Department of Public Works, Commonwealth of Massachusetts to attend a meeting on August 17, 1971 was acknowledged by the Board. Town Engineer and Sergeant Foley will be requested to attend the meeting.

TOWN MEETING - SOUND SYSTEM AND RECESS CONTROL:

The Board acknowledged receipt of two letters from Richard Gray, Chairman of the Rules Committee; (1) regarding the sound system during Town Meeting (This will be referred to Frederick Rousseau, Building Superintendent) and (2) regarding controlling the recess situation during Town Meeting. Mr. Ablondi indicated that he felt this problem should be taken care of by the Moderator and the Police Department.

M.B.T.A. -

Robert McNally, M.B.T.A. designee, appeared before the Board to advise them that there will be a hearing regarding fare increases at the Government Center at 10:00 A.M. on Tuesday, August 10, 1971. The Board asked Town Counsel, Aaron Bikofsky to attend with Mr. McNally.

B. & W. BUS LINE - WAITING STATIONS:

A letter from the B. & W. Bus Lines regarding removal of waiting station to any interested parties willing to maintain them was acknowledged by the Board. Mr. Ablondi moved that this matter be referred to the Park Department in the hopes they would consider accepting the waiting station as it would be of great value to the elderly citizens, particularly during inclement weather.

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### PENN CENTRAL RAILROAD-CEMENT DUST:

A copy of a letter from the Building Inspector to the Flexi-Flo Terminal informing them of Zoning By-Law violation was forwarded to the Board. The Flexi-Flo operation is using the Waverly Street area as a terminal and truck stop. Mr. King moved that court action be commenced against Flexi-Flo immediately. Mr. DelPrete indicated that he would like a cease and desist order instituted. Mr. Ablondi questioned what is usually done in this type of case. Town Counsel, Aaron Bikofsky explained that a letter, such as the one that has been forwarded to Flexi-Flo, is forwarded, and generally, the party usually shows an interest in working out the problem with the town. It was noted that a gentleman from Framingham has contacted the Board advising that he works for a company that deals in noise and dust problems. He is meeting with a representative of Penn Central in Pennsylvania within a week to discuss Flexi-Flo's problems and to see whether this company can assist. The gentleman felt sure his company would get the contract for same. Mr. Ablondi felt that not enough time has elapsed for a reply to the Building Inspector's letter and would like reasonable deadline set for a reply. Mr. Bikofsky would prefer their applying for the next Z.B.A. hearing which would be the third Thursday in September, and if they file for such a hearing, the request would have to be submitted by August 23. Mr. King withdrew his previous motion and moved that Flexi-Flo must apply for a ZBA hearing by August 23, 1971 in order to avoid court action by the Town. The motion was seconded and voted unanimously.

### INCINERATOR COMMITTEE - OPENING:

Mr. Richmond Robertson of the Incinerator Committee informed the Board that the Committee is ready for a ground breaking ceremony and would like both the State and Federal officials to be present as this is a big step for Framingham. He requested that the Board handle the ceremony and send out the invitations for same. The Board requested that he meet with the Executive Secretary to work out the details.

### METROPOLITAN SEWERAGE DISTRICT:

The Board was notified of a public meeting on the proposed revised schedule of the ratios of apportionment of debt service and maintenance costs for the cities and towns in the Metropolitan Sewerage District, said meeting to be held on August 25, 1971 at 10:30 A.M. Mr. Ablondi requested the Executive Secretary to check with Town Clerk to obtain the actual census for Framingham.

### SIDEYARD VARIANCE:

The Board of Selectmen voted unanimously to authorize the Building Inspector to grant a variance to Laurence Fogarty for the construction of an in-ground swimming pool with a 7' foot sideyard at 1345 Old Worcester Road, Framingham, Massachusetts.

### MIDDLESEX CABLEVISION CORP.:

The request for affirmation by the Board from Middlesex Cablevision Corp. that they are a fully qualified permittee pursuant to the terms of Section V.B. of the By-Law was discussed by the Board. (Tabled from meeting of 7/26/71 pending clarification from Town Counsel). Town Counsel indicated that the corporation has complied with the by-laws, therefore, he could see no reason their request could not be granted. Selectman Ablondi moved to grant their request. Selectman DelPrete seconded. Chairman King abstained from voting.

### HACKNEY VEHICLE REGULATIONS:

The matter of the proposed taxi-cab regulations was discussed by the Board. Upon the motion of Selectman DelPrete to adopt the regulations, the Board voted unanimously in favor of same.

### CHAPPELLWOOD ROAD-RIGHT OF WAY:

Reference is made to Chappellwood Road-Right of Way which had been tabled at the meeting of 7/26/71 pending clarification by Town Counsel. Town Counsel explained to the Board that it was proposed by the owner of the property involved in the right of way, to close off the right of way except to the immediate neighbors. No action was required by the Board.

### ASSESSOR'S SALARY:

The Board noted receipt of a vote taken by the Finance Committee regarding a scale of pay for the office of Assessor subject to certain conditions. Discussion followed. Selectman Ablondi expressed his concern that a full-time assessor, working from 8:30 A.M. to 5:00 P.M., should be paid adequately. He felt strongly that if the Finance Committee's pay and job descriptions as submitted were accepted, there might be two resignations from the present assessors. Mr. DelPrete suggested that the Personnel Board, Finance Committee and the Selectmen meet to work out the problem. The Selectmen agreed to schedule a meeting on Tuesday, August 17, 1971 at 8:00 P.M. to attempt to work out the existing differences. It was agreed by the Selectmen that they would be ready to appoint a third assessor once the salary question was solved. Chairman of the Ways and Means Committee, James Dwyer, asked if he could attend the meeting as well. The Selectmen invited him to attend.

### DOG OFFICER:

In response to a request from the Accounting Department, the Board voted unanimously that the appointment of Assistant Dog Officer, Robert Cahill would be effective August 1, 1971 at a salary of \$58.34 per month. (Mr. Cahill's appointment was made at the Board's meeting of 7/26). Mr. Ablondi asked to have a weekly report from the Dog Officer on all complaints received. This will be requested by the Executive Secretary.

### OLD WOOD ACRES:

Reference is made to the Selectmen's meeting of July 26, 1971. Town Counsel reported that he had negotiated with the proper parties regarding the purchase of Old Wood Acres, and Mr. Pignatelli, owner of the land, will sell this land to the Town for \$20,000 - in accord with Town Meeting vote. Mr. Ablondi asked if this money could be put into escrow pending completion of problems which certain residents are faced with as a result of purchasing property from Mr. Pignatelli in the hopes that Mr. Pignatelli would be forced to take corrective steps. Mr. Bikofsky indicated that this could be done, however, he doubted if Mr. Pignatelli would go along with such an agreement, and that it might interfere with the sale of Old Wood Acres.

He continued that if we did stop the sale in order to help the people at Wm. J. Heights, we

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### OLD WOOD ACRES (CONT'D.):

would be hurting the residents of Old Worcester Road. Mr. DelPrete suggested those persons with grievances should retain counsel in an effort to force Mr. Pignatelli to complete all necessary work. Upon the motion of Selectman DelPrete, the Board voted unanimously to expend the \$20,000 to purchase the land in question.

### MACOMBER PROPERTY:

The Board acknowledged receipt of a letter from Louis H. Guerrieri, Chairman of the Land Acquisition Committee under date of August 9, 1971 in which he reported that it was the unanimous vote of those present at their last meeting to request an up to date opinion of value or appraisal on the Macomber site "A" property. Chairman King reported that he has spoken with Dr. Benson, Superintendent of Schools regarding test borings and he feels there is money somewhere in the school's budget that would pay for the tests, however, he is awaiting an opinion from Town Counsel on the legality of the school fund's use. Town Counsel said he was waiting word from the School Department as to where the money is coming from before he rules on this matter. Mr. Ablondi questioned the availability of money in the school budget. He felt that although the Selectmen do not have money to cover the test, they perhaps should carry the ball and request a transfer from the Finance Committee. Selectman DelPrete indicated that once and for all, the School Committee should come out and say, with a formal vote, whether or not they want the site for a school. If they do, then the Board could go before Town Meeting with a proposal. Chairman King concurred with Mr. DelPrete. He felt the School should advise whether they would proceed with test borings or whether they want the Selectmen to proceed with same. Mr. King also stressed that he wants their position submitted in writing as a formal vote of the School Committee. Mr. King also directed the Executive Secretary to check with the Finance Committee in order to ascertain whether or not the Selectmen could have a transfer for the test borings. It was established that a figure of \$8,000 for test borings had been submitted by the Town Engineer. It was also suggested that an inquiry be made of Mr. Pignatelli as to whether he had made test borings of this area previously.

### VAULT - MEMORIAL BUILDING:

The Board acknowledged receipt of a memorandum from Dana N. Burdette, Director of Personnel concerning the condition of the vault located in the Memorial Building adjacent to his office. He suggested the vault be cleaned out and the material catalogued. Upon the motion of Selectman Ablondi, it was voted to authorize Mr. Burdette to coordinate an organizational and clean-up program, working with the Executive Secretary and Town Clerk.

### TOWN FOREST COMMITTEE:

The Board unanimously appointed Paul F. Farrand a member of the Town Forest Committee, for a term to end March 2, 1972. Mr. Farrand replaces Joseph Regan who did not qualify before the Town Clerk.

### RESIGNATION - GAS INSPECTOR:

The Board noted receipt of a letter of resignation from William Evangelista, Gas Inspector to be effective September 24, 1971. No action was taken by the Board.

MEETING ADJOURNED AT 10:15 P.M.

  
John F. DelPrete, Clerk