

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN SEPTEMBER 7, 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:

- #88 - Bill - September 7, 1971 - \$223,274.25
- #89 - Pay Roll - September 7, 1971 - \$159,201.59
- #90 - School Pay Roll - September 7, 1971 - \$378,652.66
- #91 - School Pay Roll - September 8, 1971 - \$4085.59

AUCTIONEER'S LICENSE - Philip B. Anderson, 18 Beulah St.

SHOW LICENSE - East Coast Productions, Coin and Stamp Show, National Guard Armory, Sept. 11, 1971, 10 a.m. to 9 p.m.

SUNDAY ENTERTAINMENT LICENSES:

East Coast Productions, Sept. 12, 1971, at National Guard Armory, Concord St.,
1. Coin & Stamp Show.

Wm. B. Haughey, Jr. d/b/a "Liam's", 17 Edgell Rd., Sept. 12, 1971:
1. Live entertainment.

Recreama, Inc. d/b/a Chateau deVille, 220 Worcester Rd., Sept. 12, 19, 26, Oct. 3:
1. Live entertainment.

Rol-Rick, Inc. d/b/a Copper Kettle Restaurant, 1670 Worcester Rd., Aug. 1, 1971
to July 23, 1972:
1. Juke Box.

Kettle Inc. d/b/a Copper Kettle Restaurant, 957 Worcester Rd., Aug. 1, 1971 to
July 23, 1972:
1. Juke Box.

Caesar Tamagno, Inc. d/b/a Monticello Restaurant, rear 90 Worcester Rd., Sept. 12:
1. Patron's dancing.
2. Singer, dancers, comedy acrobatic act, M.C. Trio.

OBSTRUCT STREET - Residents of Centennial Place, Nos. 10-28 Centennial Place,
block party on Friday, Sept. 10, 1971 6 P.M. to 12 P.M.

BANNER PERMIT - United Fund of Framingham, Inc., from Kendall Realty; 95 Concord St.
to Sawyer Bldg., 82 Concord St.

RATIFICATIONS:

Obstruct sidewalk:

John J. Sullivan, 84 Concord St., repair sign, Sept. 1 to 2.

Bigham & Sons, Inc., 52 Union Ave., install awning, Sept. 2 and Sept. 7 to Sept. 9.

Open, occupy & obstruct st.:

Bella Const. Corp., on Grove St., near Stone Ends Rd., install sewer line, Aug. 30,
to Sept. 30.

The Flatley Co., approx. 100' easterly from Royce Rd. on Old Conn. Path, install
water service, Sept. 7 to 8.

New Eng. Tel. & Tel. Co. - front of last two houses on left on Wm. J. Heights direct
buried cable, Sept. 1 to 7.

Worcester Gas Light Co.:

#129 and #135 Lockland Ave., install new 3/4" service, Sept. 2 to Nov. 2.

130 Lockland Ave., install 1 new 3/4" I.P. service, Sept. 2 to Nov. 2.

Lockland Ave., extend ending a 2" I.P. gas main across the road to the easterly sidewalk
area to provide service to house #129, 130, and 135, Sept. 2 to Oct. 2.

17 Danforth St., install new 3/4" I.P. service, Sept. 7 to Nov. 7.

Lot #14 Greenleaf Circle, install new 3/4" I.P. service, Sept. 7 to Nov. 7.

Lot #15 Greenleaf Circle, install new 3/4" I.P. service, Sept. 7 to Nov. 7.

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APPOINTMENT OF SPECIAL POLICE OFFICERS:

The following were appointed special police officers for a term of one year: (effective Sept. 7, 1971).

Arthur Mazzaro, Clifford E. Robinson, Charles Scansaroli, Ronald B. Conrado.

BUILDING INSPECTOR:

It was voted to authorize the Building Inspector to issue a permit to Seymour Gotch for the construction of a porch with enclosure at 18 Maymont Drive with a 5' side yard.

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 permission as follows:

William J. Heights, easterly side, approx. 1920' south of Duggan Dr. 175' buried cable. Joseph Melpignano, representing the Telephone Co., appeared in favor of the granting of this petition. There was no objection to the petition, and it was voted to grant same.

KONSTATINO KARALIS d/b/a FAMOUS PIZZA:

Demetrios E. Gatzogiannis and Konstantin Karalis appeared before the Board in opposition to the 11:00 P.M. closing restriction imposed by the Board on the Common Victualer license for Famous Pizza. Mr. Gatzogiannis (former owner) explained that he had sold his business to Mr. Karalis on the assumption that he would be permitted to conduct the business with the usual 12:00 P.M. closing hour. He explained that the business would realize a loss of anywhere from \$700 to \$1000 weekly by closing at 11:00 P.M. which would be a severe detriment to the business. He said he recognized the congregation of young people in the Pinefield Shopping Center lot was a serious problem, however, these young people remained there long after he was closed. He said he had police officers there on Friday and Saturday nights, which were the busiest nights, and would continue to do so. Mr. Ablondi felt that the owners were cooperating, and it was unfortunate that he could not run his business as he wished to because of the problems created by the young people. He felt the police should cover this area more adequately. Much discussion followed concerning a solution to this problem. Mr. DelPrete suggested the posting and enforcement of "no loitering signs". Chairman King asked if they would guarantee police protection on Friday and Saturday nights. Mr. Gatzogiannis assured the Board they would continue to do this (he has retained an interest in the business), and would cooperate in any other way in alleviating the problem. This matter was taken under advisement.

Later in the evening, the Board unanimously voted to remove the 11:00 P.M. closing restriction.

TOPICS PLAN FOR FRAMINGHAM:

The Board acknowledged receipt of a letter, under date of August 25, 1971, from Town Engineer James Merloni regarding the Proposed Areawide Topics Plan for Framingham. He reported that he and Sergeant Foley, Safety Officer had attended a meeting of the Technical Advisory Committee of the Boston Metropolitan Area Transportation Study, for the purpose of reviewing the proposed areawide topics plan and the recommended Type II Network, which was proposed for Framingham. He said they approved the Type II network, and voiced a favorable opinion of the Areawide Topics Plan. He said they also met with Commissioner Sue Galvin and Director Primo Silva of the Board of Public Works and Officer Kearney for review of this plan and it was agreed by all to accept the report and to strive for an early approval at the State and Federal level. Selectman Ablondi asked Sergeant Foley whether he felt there should be deletions or additions to be implemented since the change first started. Sergeant Foley said he was satisfied with Group I Projects. Mr. Ablondi asked that the public be alerted to the areas involved in Group I. The Board unanimously voted to accept the Town Engineer's recommendations. The State Department of Public Works will be so notified and requested to implement said program as early as possible.

SWIMMING POOL-BUILDING PERMIT:

The Board discussed with Primo Rizoli, Building Inspector a request from the Commissioners of Public Works to establish a policy whereby no building permit for swimming pool or building addition be issued until the Building Inspector has had the opportunity to examine the Assessor's Plan to ascertain that the structure will not affect any utility easements. Mr. Colonna alerted the Board to a recent incident on Spring Hill Lane which resulted in their request for said ruling in order to prevent inconvenience and expense to citizens, and potential hazard to the Town's utilities. In response to a question raised by Selectman Ablondi concerning the practicality of this policy, Mr. Rizoli informed the Board that he felt this would work well with the cooperation of the Engineering Department and the Public Works Department. Mr. Ablondi asked Town Counsel to whom the responsibility rested regarding damages to sewer mains, etc. Whether it would be the contractor, person who has issued the contract, or the Town. Town Counsel explained, without knowing all the particulars, he would assume the liability would be on the part of the contractor as it would be evidence of negligence for not checking into what is underground. Selectman Ablondi asked how this could be avoided in the future. Selectman DelPrete explained there was a law on the books requiring that all utilities be notified before digging is allowed. The Public Works Department will be notified that the Building Inspector has been alerted and will check into the implementation of the above mentioned policy.

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STREET OPENING PERMITS:

The Board acknowledged receipt of a letter from the Department of Public Works in which they requested that no permits be granted for street openings to start on any Friday, except in cases of emergency, inasmuch as jobs which are begun on Friday and are not completed on that day, create an obstruction and hazard to the traveling public during the weekend. They feel that a Thursday deadline for street openings will give utilities and contractors sufficient time to complete their work before the weekend. Chairman King expressed his concern regarding procedures on street openings in general. He felt where it was the responsibility of the Selectmen, a tighter procedure should be implemented. He felt an inspection was necessary before and after the opening to provide better control. He said he has tried, unsuccessfully, since he has been on the Board, to correct this problem and hoped something concrete could be resolved. Mr. King noted that conditions have improved somewhat since the last meeting held on this subject. (Sergeant Foley and Chief Byrne are now notified at the start of each opening.) Sergeant Foley, Safety Officer, corroborated this - noting the improvement. However, it was still his feeling that lengthy openings (3 months) should not be allowed inasmuch as many times the work was held off until the last moment. He also reported on the many problems they had encountered as a result of unfinished work, and incorrectly put together work. He felt that somebody should be out inspecting the ditches when they dig them, particularly where some contractors were not reliable. The Board unanimously voted to accept the recommendation of the Public Works Department and will not grant permits to start on Friday in the future, except in an emergency. Further, on the recommendation of Selectman Ablondi, a meeting will be scheduled in two weeks time with the Town Engineer, Safety Officer and the Board of Public Works in an effort to reach a solution to this problem.

MACOMBER PROPERTY - SITE A AND B:

The Board acknowledged receipt of a letter from Town Engineer, James Merloni regarding "sub-surface investigation of Macomber property - Site A and Site B." He reported that he had obtained a proposal for the subsurface soil and ledge investigation, a copy of which was also submitted. Further, he explained the minimum range for the study and report would be \$6150, maximum cost would be \$8600, the bulk of the cost would be for the investigation of Site B. He said they were still awaiting a proposal from another firm and would inform the Board at that time. Chairman King reported that he had spoken with the Town Engineer who confirmed he would check funding with the Finance Committee. The matter was tabled pending receipt of the additional proposal.

AIR CONDITIONING-MEMORIAL BUILDING:

The Board acknowledged receipt of a letter from the Finance Committee regarding the Personnel Board's request for consideration for funding for the installation of air conditioning in the Memorial Building. The Finance Committee asked that the Building & Wiring Department determine the adequacy of the existing wiring and structure for this installation, and the cost and description of any changes to power services and building structure in the building required for the installation of air conditioning. Mr. Ablondi established that the present wiring in the building was not adequate and asked what steps would be required for air conditioning installation. Chairman King reported that the Building Superintendent, Frederick Rousseau was currently investigating the possibility of a gas service, rather than electrical. Finance Committee will be so notified.

PERMANENT PATROLMAN APPOINTMENTS:

Recommendations of Police Chief for appointment of four patrolmen were discussed. Selectman DelPrete questioned the reason Framingham residents were not given preference. It was explained that from the Civil Service list, veterans had preference, and those with the highest grades were second in order. In the event two eligible candidates have the same grade, and qualify, and one resides in Framingham, then he would have priority. Selectman Ablondi also questioned the procedure of appointment. He felt strongly that he did not wish to act as a "rubber stamp" in making these appointments. He felt where the Board was responsible for making the appointments, that an interview should be conducted by the Board. It was pointed out to him that the recommendations submitted by Chief Martins, after interviewing the candidates, were in accord with the Civil Service Law. Upon the motion of Selectman Ablondi, the Board voted unanimously to accept the Chief's recommendations and the following were appointed as permanent patrolmen to the Framingham Police Department.

Richard E. Chesmore
Richard M. Dezotell

Edward M. Paletsky
Richard C. Hardy

PERSONNEL BOARD RESIGNATION:

The Board noted with regret the resignation of Jay R. Gordon, Chairman of the Personnel Board and the Collective Bargaining Committee. Chairman John King, on behalf of the Board of Selectmen, extended the Board's appreciation and gratitude to Mr. Gordon for the amount of time, energy and expertise he has devoted to his work. Chairman King presented to Mr. Gordon a gavel made by Selectman Peter Ablondi from the old Eames House as a token of their appreciation.

DRUG REHABILITATION COMMISSION:
RESIGNATION AND APPOINTMENT:

The Board accepted with deep regret the resignation of George P. King as a member of the Drug Commission. The Board's sincere appreciation and gratitude will be extended Mr. King for his tireless efforts and devotion to the Town.

Upon the motion of Selectman DelPrete, seconded by Peter Ablondi, and made unanimous by Chairman King, Alfred E. Badger was appointed to fill the unexpired term of George P. King, said term to expire November 9, 1972.

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CONSERVATION COMMISSION - MACOMBER SITE:

The Board acknowledged receipt of a letter from the Chairman of the Conservation Commission regarding their proposed article for the acquisition of Macomber Site B for conservation purposes. Mr. Pahren advised that in order to apply for state and federal grants to help defray the cost of acquisition, it would be necessary to obtain two full appraisals to determine the fair market value with existing zoning. This was referred to Town Counsel to determine the requirements necessary in order to meet state and federal specifications.

TRAFFIC REGULATIONS:

The Board unanimously voted to accept a recommendation submitted by Sergeant Foley for the installation of the following sign:

SLOW HANDICAPPED CHILD: - On Brookfield Circle - 300 feet north and south of #35.

CARLSON ROAD IMPROVEMENTS:

Selectman Ablondi asked whether any action had been taken on his request for improved lighting, etc. in the Housing for the elderly complex on Carlson Road and the low income area on Beaver Street. He was advised that a report will be forthcoming from Charles Canning, Director of the Framingham Housing Authority after their meeting, which was to be held on September 7, 1971.

EARTH REMOVAL - EDGELL ROAD:

The Board acknowledged receipt of a copy of a letter to the Building Inspector from Mrs. Thomas C. Ligon, Jr. in which she expressed her dissatisfaction, and raised certain questions, regarding the removal of earth from a location on the easterly side of Edgell Road behind the MDC line and north of Frost Street. Primo Rizoli was asked to investigate this situation and report his findings to Mrs. Ligon.

ST. TARCISIUS PARISH - LAND GIFT:

The Board noted receipt of a copy of a letter from Reverend Francis Minchiatti, Pastor of St. Tarcisius Parish regarding a donation of land owned by St. Tarcisius to the Town of Framingham in consideration of installation of sidewalks. Recommendations will be sought from the Land Acquisition Committee insofar as the taking of the land is concerned; and the Board of Public Works regarding the matter of sidewalks.

CROSSING GUARD RESIGNATIONS:

Resignations as police crossing guards were received from Doris Oppici, Mary Bovee, Angela Farrell and Ruth Ferran. Also received was a request for a leave of absence from Delores Kirkpatrick. All resignations were accepted by the Board. The Board also granted a six months leave of absence to Mrs. Kirkpatrick.

CROSSING GUARD APPOINTMENT:

Sergeant Foley discussed with the Board the appointment of spare police crossing guards. He informed them that the Finance Committee would not go along with funding uniforms for spare guards, and until such time as this was resolved, as well as the salary question, he felt it would be best to hold off on the appointment of spare guards. The Board was in agreement that in order to achieve effectiveness with regard to any authority exercised by these people, they should be properly attired. It was unanimously voted to support the request of Sergeant Foley for funds for uniforms, and the Finance Committee will be so notified.

Upon the recommendation of Sergeant Foley, the Board unanimously voted to appoint Violet S. Anthony as police crossing guard to fill the Frost Street school post. The Name of Laberta Garron was also suggested for the Brophy School post, however, this was tabled pending contact with Mrs. Garron to see if she wishes to be appointed.

CEDAR SWAMP APPRAISALS:

Town Counsel, Aaron Bikofsky requested authorization from the Board to obtain appraisals for six parcels of land within the Cedar Swamp package which Town Meeting voted to take. He explained that in preparing the orders for taking, he found that six lots were taken by the Town for which no appraisal was ever made; accordingly, by statute, this Board cannot assess damages. He explained further, in order to come up with a means of apportioning the \$286,400 voted for the taking, it would be necessary to obtain an appraisal for these parcels. The Board voted unanimously to authorize Town Counsel to obtain said appraisals.

MALINE-MANCUSO VARIANCE:

Morris Maline appeared before the Board and asked if they would take action on the sideyard variance he had requested as he would like to sell his house, however, is unable to without the granting of the variance. Selectman King told him that he has reviewed this matter each week, however, has had difficulty in resolving this in his mind as he feels both parties are victims of an unfortunate situation. He felt, however, that he would be inclined to vote to grant the variance in light of the hardship created by this situation. Town Counsel reviewed the matter and explained that if the Board does not grant the variance, Mr. Maline will be stuck with a house that violates the zoning by-law, through no fault of his own. He added by denying it, it would not help Mancuso inasmuch as Mr. Maline's house could not be moved, and the present situation would always exist. He said he had investigated the matter with Primo Rizoli, in response to a question raised by Mr. Ablondi and the building inspector had planned to give a report to the Board on the records in his office, however, Mr. Rizoli had been called to attend a Planning Board hearing. Peter Ablondi said he was inclined to agree with Mr. King in granting the variance to Mr. Maline, and felt strongly the builder should be taken to task for this situation. In fairness to Mr. Mancuso, the opposing abuttor, the matter was tabled until the next meetingⁿ of the Board, at which time both parties will be invited in.

MEETING ADJOURNED AT 9:30 P.M.


John F. DelPrete, Clerk.