

TOWN OF FRAMINGHAM

SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN SEPTEMBER 13, 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:

#92 - Bill - September 13, 1971 - \$174,115.08
#93 - Pay Roll - September 13, 1971 - \$151,146.33

SUNDAY ENTERTAINMENT LICENSE - LaBimba, Inc., 1672 Worcester Rd., Sept. 19, 1971 - live entertainment.

RATIFICATIONS:

Open, occupy and obstruct street - Gerald L. Bell - Lot #2 Woodside Rd., sewer and water connections, Sept. 7, 1971.

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

186 Prospect St., install 3/4" I.P. new service, Sept. 8 to Nov. 8.
Summer Lane, install 3/4" new service, Sept. 8 to Nov. 8.
19 Waushakum Boulevard, install 1 1/2" I.P. new service, Sept. 13 to Nov. 11.

Open, occupy and obstruct street - New Eng. Tel. & Tel. Co. - Between pole 27X and 28X Franklin St., free cable in conduit, Sept. 8 to Oct. 8.

- Between pole 75 and pole 86 Franklin St., repair ducts, Sept. 10 to Sept. 16.

APPOINTMENT OF SPECIAL POLICE OFFICER:

F. Philip Pillarella, term of one year, effective September 13.

PETITION:

The petition of the Boston Edison Co. JO New Eng. Tel. & Co. for one pole (one existing JO pole to be removed) on Beech St., northwesterly side, approximately 118' southwest of Union Ave., was granted.

IMPLEMENTATION OF 911:

The Board met with Fire Chief Byrne and members of the "Dial 911" Committee, Paul LaCroix of the New England Telephone Company, Fire Alarm Supervisor Andrew Regan and Civil Defense Director Lieutenant Edward Harrington regarding the implementation of 911. (Chief Martins was unable to be present.) Chief Byrne explained that the service was ready to go into effect September 21, 1971 for Framingham residents. He commended the Board, on behalf of the Committee, for approving the implementation of this system. Selectman DelPrete asked that credit also be given the South Middlesex Area Chamber of Commerce for making the initial suggestion of the 911 System to the Board. Chief Byrne reminded the Board that \$1500 had originally been appropriated for a tape recorder to be used in conjunction with this program. However, since that time a newer and better Dictaphone system had been introduced to them and the Committee highly recommended it. He described it in detail, stating it was expandable to 40 channels, at a cost of \$6546. Chief Byrne asked the Board's approval for the extra expenditure, noting bids would have to be made by the Purchasing Agent. Upon the motion of Selectman Ablondi, the Board unanimously accepted the Committee's recommendation for the above mentioned dictograph, and authorized the Committee to contact the Purchasing Agent for appropriate action, and the Finance Committee for a possible transfer of funds. Chairman King abstained from voting until he received clarification that there would be no conflict of interest.

Chairman King commended the Committee, on behalf of the Board and the citizens of the Town, recognizing what a task this has been.

HEARING - FLAMMABLE GAS STORAGE (SHAFFER REALTY CORP.):

A public hearing was held in the Selectmen's Office, Room 21, Memorial Building at 8:10 P.M. on the application of Shaffer Realty Corp. for a license to use the land at 50 Fountain St. for the storage of 500,000 cubic feet of flammable gases in cylinders and tube trailers, aboveground. Present were Attorney John P. Garrahan, representing Shaffer Realty Corp., Mr. Shaffer, Mr. Conville, Air-Reduction Manager and Fire Chief Jerome N. Byrne. Return receipt cards were presented from all abutters, except Fenwal Electronics, Inc., 63 Fountain Street. Attorney Garrahan referred to an affidavit, which had been submitted, indicating that a notice had been forwarded to them. The type of storage and locations of tanks were discussed. Virgil Cuveron of 302 Hollis Street, spokesman for Mrs. Josephine V. Weith, 27 Fountain St., opposed the granting of the license. He questioned how the list of abutters was determined, noting that some people had not been alerted. Attorney Garrahan explained that they ascertained this from a listing prepared by the Board of Assessors, certifying the names of all abutters. Mr. Cuveron noted that this plant had been storing gas without a permit for several years which was in violation of the zoning by-laws, and should not be overlooked. Chief Byrne explained that in the course of an inspection their department had discovered that gas was being stored there, and advised them to get a license for the storage. The firm was unaware they were in violation, and immediately took steps to rectify this. Mr. Cuveron felt the people's rights were disregarded. He said the storage would be a detriment and hazard to the area and would probably result in

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SHAFFER REALTY CORP. (CONT'D.):

higher insurance rates. Further, he expressed concern relating to the possibility of explosion of these gases. Chief Byrne said the storage tanks met local and national fire regulations. He said the chance of an explosion was small as valves would release the gas if internal pressure built. He explained in detail the safety factor. In reply to Mr. Cuveron's concern over higher insurance rates, Chief Byrnes felt they would not increase as this gas has been stored there for several years; explaining further, this was not an isolated area and nothing has changed in the area. Town Meeting Member, Martin Weisman, a spectator, felt this should not be treated lightly. He noted that there was an air reduction plant in Acton, however, it was located in the woods where there is no one within 10 to 15 miles. He advised he was not offering an opinion, however, he did wish to urge caution. Gene Selig, Chairman of the Industrial Development Commission reminded the Selectmen that the company provided employment for Framingham residents. This matter was taken under advisement. Later in the evening, the Board unanimously voted to grant this license. Mrs. Weith withdrew her objection to the granting of this license after being made aware of the exact location of the proposed storage.

CONFERENCE - MALINE-MANCUSO VARIANCE:

The Board conferred with Mr. Morris Maline and Joseph Mancuso at 8:30 P.M. regarding Mr. Maline's request for a sideyard variance. Chairman John King explained, on behalf of the Board, that after much review, they had intended granting the variance at their last meeting, however, in fairness to Mr. Mancuso, delayed action until they could discuss this in his presence. Chairman King told Mr. Mancuso they based their decision to grant the variance on the theory that withholding it could not help him, and granting it would not harm him, but would aid Mr. Maline. Selectmen DelPrete and Ablondi concurred. Mr. Ablondi added he felt strongly "two innocent people are being hurt and the real culprit was getting away scot-free." (The Developer). He said he felt the only recourse was to grant the variance in order to allow Mr. Maline the opportunity to sell his home. Mr. Mancuso argued that a variance should be granted as a last resort - after all other avenues are exhausted. Mr. Ablondi said it was his understanding there was no recourse against the developer, the town has no liability. Town Counsel explained that the town's legal recourse consists of taking Mr. Livoli to court on a charge of violating the zoning by-law, which would result in a fine of \$100. Town Counsel explained further that even though the town may have some technical right to sue the developer, the results would not solve the problem both men have. The position the Board took was they would at least try to help one innocent person. Mr. Mancuso disagreed. He felt he would be harmed if the variance was granted. He felt strongly that the Town should do nothing, stating "they had done nothing in 4½ years." He said the developer was in hopes you would issue the variance which would let him "off the hook". He reiterated strongly - the Board should take no action. He suggested it was up to Mr. Maline to sue the developer. Mr. Maline said he had originally consulted with an attorney and had been told he could only collect if he had monetary damages. Martin Weisman, a spectator, said the developer had repeatedly violated the codes and felt strongly that it was time for the Town to stand up to the developers.

Chairman John King clarified for the record that the first time they were made of this situation was several months ago. He asked Mr. Mancuso what he felt Mr. Livoli could do for him. Mr. Mancuso said in all this time Mr. Livoli has ignored the matter, after repeated requests for discussion. He said he would be happy if Mr. Livoli would talk to him and offer to work something out. He declined to say what he was looking for but implied he might want another house.

The Board instructed Town Counsel to schedule a meeting with Mr. Livoli. The matter was tabled pending the meeting.

CONFERENCE - SIDEYARD VARIANCE (AHEARN):

The Board conferred with Alfred J. Mainini, Esquire, Attorney for John and Ann Marie Ahearn regarding a request for a variance on existing buildings at 12 and 14 North Street in order to validate sideyard requirements. Mr. Mainini explained Mr. and Mrs. Ahearn were seeking a sideyard variance for #12 North Street for a 4' sideyard on one side and an 8' sideyard on the other side, minimum requirement in this area is 10'; and also a sideyard variance for a 1.5' sideyard at #14 North Street, minimum requirement in this area is 10'. Mr. Mainini explained that inasmuch as they are their own abutters with regard to the side of the lots in question for both properties, #12 and #14 North St., there was no letter from abutters assenting to the variance. Otherwise, the application was in order. The Board unanimously voted to grant these variances contingent upon receiving a letter from Mr. and Mrs. Ahearn stating they had no objection to the variance, even though they are their own abutters. Mr. Mainini said he would produce same.

CONFERENCE - FRAMINGHAM STATE COLLEGE (LIQUOR LICENSE):

Attorney James Sweeney, representing Framingham State College, appeared before the Board regarding an application for a beer and wine license under Chapter 138, Section 14 of the General Laws, for the College. Present also were President Dr. McCarthy and Dean Golden. Attorney Sweeney explained that they had intended filing an application for a beer and wine license under a special provision which deals specifically with educational institutions, however, this first had to be approved by the Board of Trustees of the College. He said they anticipated a favorable decision from the Board of Trustees, and upon receipt of same would submit an application to the Board of Selectmen for their consideration. He explained the plan as follows: It was their feeling by opening this facility, allowing students over 21 to drink on campus, in a closely supervised area, there would be fewer problems. The Student Body is aware they are subject to the laws of the Commonwealth, and will be in charge of discipline. If there are any breaches of discipline, they know also, the license will be taken away. The student will

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FRAMINGHAM STATE COLLEGE:

have a student I.D. card (or Town liquor I.D.) with his photo on it, showing his date of birth. Guests will be required to furnish proof as well. The price will be \$.35 a can, proceeds to be used for scholarships, etc. (Funds will be kept in the institution). He noted there was a student body of 20% over 21, representing approximately 500 students. Chairman King asked whether they would be violating the zoning laws where they are located in a residential zone. Attorney Garrahan replied they were excluded from the zoning bylaw as it was state owned. In reply to questions raised concerning whether it would be in the best interest for the public, Dr. McCarthy said if there was a facility on campus it would prohibit drinking in the dorms, and greater control could be achieved. On-campus sales would not require students to use automobiles. In summary, Mr. Sweeney told the Board the facility would be in the basement of O'Connor Hall, policing would be by the student government and the administration.

CARLSON ROAD:

The Board acknowledged receipt of a reply from Framingham Housing Authority relative to safety conditions at Carlson Road and Beaver Street, in which he advised that it was the unanimous opinion of those present at their meeting that the Director meet with Sergeant Foley for further discussion in an effort to resolve this problem. Sergeant Foley was authorized to work closely with Charles H. Canning, Executive Director to resolve the inadequate lighting situation in the project.

ROUTE 9 LIGHTING & CURVES:

Selectman Ablondi expressed his concern relative to the long standing problem of the dangerous strip between the top of the hill opposite LaBimba Restaurant to Reservoir #2 in Framingham, and the length of time it is taking the State to correct this very dangerous area. He felt strongly that action should be taken immediately before many more accidents occur here. As an interim procedure, he suggested posting of signs and flashing lights along this area. Sergeant Foley advised that the State is in agreement that corrective steps are necessary. The Engineering Department will be requested to report on the status of the plan on file.

With regard to the lighting on Route 9 from Temple Street to the Southboro line, Town Counsel reported that he had received a reply to his inquiry from the State Department of Public Works and was informed that it was their feeling the responsibility for lighting was the Town's. In reply to a question from Mr. Ablondi concerning forcing them to pay, Town Counsel explained there was no statute covering this. If the State refuses to pay for it, then we are obliged to if we want it. Mr. Ablondi reiterated that he felt strongly the State should pay for lighting a state highway. He suggested that the Selectmen sponsor an Article in the next Annual Town Meeting for the Town Meeting Members to decide if they wanted the added expense which would reflect on their tax rate. Selectman DelPrete felt that the businesses and apartment complexes along this strip should pay for it. Chairman King seconded Mr. Ablondi's motion, and amended it to include a request for assistance from the State Legislators in attempting to obtain State financing and/or proposed legislation which would be in the best interest of the Town of Framingham. Selectman DelPrete made this unanimous. The Legislators will be contacted.

OLD WOOD ACRES:

Town Counsel told the Board that Fred Pignatelli, owner of Old Wood Acres II on Old Worcester Road is not willing to sell the land described in the Town Meeting Article for the amount which Town Meeting authorized the Selectmen to spend (\$20,000). Mr. Bikofsky reported that he had forwarded a proposed sales agreement to Hector Scull, Esquire - attorney for F. P. Construction Company and received the above information from him. Mr. Scull responded with two counter-proposals: (1) The Town's purchase of the tract for \$25,000; payment by the Town of the 1971 Tax Bill and payment by the Town of all sales costs, excluding counsel fees - or; (2) the Town's purchase for \$20,000 of all the tract except the 18,604 square foot lot #1. Receipt was noted.

FLEXI-FLO OPERATION:

The Board acknowledged receipt of a letter from Dr. H. I. Silverman under date of September 8, 1971 opposing cement loading operations of Flexi-Flo on Fountain Street, and requesting action. Town Counsel reviewed the action taken to date concerning this operation and explained that the order issued by the U.S. District Court, for the Eastern District of Pennsylvania, prohibits any legal action interfering with the operation of the railroad. He said, in his opinion, it includes the Town seeking an order in Superior Court to enjoin the cement unloading operation. It could, however, ask permission to bring an action against the railroad, although, this would involve presenting a motion before the Judge for the Eastern District of Penna. Without this permission, the Town would be enjoined, under the reorganization order, from taking action. He said, however, the Town may proceed with court action against Mutrie Transportation Co. on Waverly Street. Selectman DelPrete suggested working through air pollution, and/or possible intervention by the Federal and State Government. Town Counsel responded that there have been cases where the U.S. Federal Government has been prohibited from action. Selectman DelPrete then suggested removing the "no parking" signs on the north side of Waverly Street, leaving only enough room for the railroad to go through - to alleviate the downtown traffic. Sgt. Foley will investigate this. Selectman Ablondi pointed out the Penn Central was in arrears in taxes to the Town for over \$200,000. He said he would like to explore the possibility of engaging a counsel in Penna. to represent the Town in instituting proceedings. Town Counsel responded this could be done. He explained, also, out-of-state counsel is allowed to file a petition by mail and forward a blank order setting down the petition for a hearing. In this case, it would mean he would have to appear in the Eastern District Court (Penna.) to argue the motion. Selectman Ablondi motioned to request Town Counsel to proceed in this direction.

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SENIOR CITIZENS - REDUCED FARES:

The Board acknowledged receipt of a notice from Liaison Officer, F.W. O'Brien of the M.B.T.A. regarding the registration of reduced fares for senior citizens. Chairman John F. King asked the Executive Secretary to explore the possibility of "gold passes" for senior citizens to be used at theatres and various events in the School Department and Loring Arena.

TRAFFIC CONTROL SIGNALS - MT. WAYTE AVE. & FRANKLIN ST.:

The Board acknowledged receipt of a letter from V. J. Cantone, P.E., Acting Traffic Engineer of the State Department of Public Works under date of September 8, 1971 in which he advised he would recommend that traffic-control signals be authorized at the intersection of Mt. Wayte Ave. and Franklin St. contingent upon driveway revisions by the Town. This will be referred to Sergeant Foley, Safety Officer for investigation and report.

INTERSECTION OF ROUTE 9 & PROSPECT STREET:

Selectman Peter Ablondi alerted the Board to the serious flooding at the intersection of Route 9 and Prospect Street during the recent heavy rain. This problem has been longstanding. The State Department of Public Works was notified of this August 28, 1970 at which time corrective steps were requested to prevent this problem. The only response received to date was a copy of a letter to Daniel Morgan, Chief Engineer, under date of September 1, 1970 from C. F. Mistretta, District Highway Engineer of the State Department of Public Works approving the installation of drainage at this intersection. Inasmuch as still no action has been taken, the Board unanimously voted to bring this to the attention of the State Department of Public Works once again, stressing the urgency of immediate action because of the extremely hazardous conditions to all traffic movement on Route 9, necessitating the use of privately owned property, namely; The Maridor, as a means of by-passing this section. An appeal will also be made to the Commissioners of Public Works for any assistance they may give in expediting this project, as well as, any intermediary steps which may be taken by their department to relieve this situation. Further, the State Legislators will be requested to assist in this matter.

Selectman Ablondi asked Town Counsel whether this matter would come under the jurisdiction of the Building Inspector. Town Counsel explained that the Building Inspector could review the drains to see if they were adequate and working properly to handle the flow; and establish whether the Department of Public Works could remedy this problem.

MACHINE REPAIRS:

The Board acknowledged receipt of a letter under date of September 13, 1971 from Richard J. McNamara, Purchasing Agent in which he requested the Board's approval to waive provisions of Section 92 of the Purchasing By-Law in order to pay a bill for repairs of equipment in the Industrial Arts Department at North High School. This matter was tabled pending a detailed explanation from the Purchasing Agent as to the cause for the necessary repairs, per Mr. Ablondi's request.

CROSSING GUARD APPOINTMENT:

Discussion was held with Sergeant Foley, Safety Officer on the procedure for appointing crossing guards, as a result of much controversy from applicants. The Board and Sergeant Foley have received numerous calls from applicants requesting appointment, many of whom feel their applications have been on file for several years. The Board was unanimous in their feeling that the matter of appointing (recommending) should be in accord with recommendations made by Sergeant Foley who was in the best position to recognize need. Sergeant Foley recommended Mrs. LaBerta Garron to fill the Brophy School post. He explained that his recommendations were based on a decision to name the applicant closest to the post, with the oldest application on file. He felt, and the Board agreed, in view of the many calls for crossing guard positions, this was the fairest procedure to use. He noted the Brophy School Post has always been a difficult one to fill because of the location, particularly during winter weather, and as a result, felt the appointment of Mrs. Garron to fill this post as she resides within walking distance was the best choice. The Board voted unanimously to appoint Mrs. LaBerta Garron, 987 Pleasant Street.

TRAFFIC SIGNALS-NOBSCOT SQUARE AND CONCORD STREET (COURT HOUSE):

Chairman John King expressed his disturbance over the length of time that has elapsed in installing lights at the Court House on Concord Street and Nobscot Square. He requested the Executive Secretary investigate this matter with the Purchasing Agent, and any other involved parties, submitting a complete breakdown as to why this matter has been delayed for over a year.

TRAFFIC REGULATIONS:

The Board unanimously approved the recommendation of Sergeant Foley, Safety Officer for the installation of the following signs:

- SLOW HANDICAPPED CHILD - 1. On Bridges St., 100 feet south of Waverly St.
2. On Bridges St., 100 feet north of Coburn St.

- SLOW SHARP CURVE - 1. On Potter Road - near Sheffield Drive
2. On Potter Road - Near Bradford Road

As a result of the hazardous conditions on Potter Road, The Commissioners of Public Works will be requested to improve the Potter Road-Eaton Road layouts.

SECOND STREET STOP SIGN:

The Board unanimously approved the recommendation of Sergeant Foley for STOP SIGNS to be located on Second Street at the intersection of Beaver Street, east and west. The Board will request a permit from the State Department of Public Works for these two Stop Signs.

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SIDEWALKS - DEVELOPMENTS:

In response to a question raised by Town Meeting Member, Martin Weisman, Selectman DelPrete requested a status report be obtained from the Planning Board on all those developments for which sidewalks had been approved and not completed, (specifically, Briarwood Road and Ledgewood Road); and the time element allowed before completion is required. He also requested information relative to the final surface treatment on Angelica Drive.

STREET OPENING PERMITS:

Receipt was noted of a letter from Town Counsel, Aaron K. Bikofsky under date of September 10, 1971 in which he quoted provisions of the general laws which apply to the matter of street opening permits. Mrs. Gherna, Executive Secretary pointed out that this procedure is currently in practice.

CENTRE TRAFFIC LIGHTS:

The Executive Secretary was requested to investigate the reason for the delay in delivery of a part necessary to correct the traffic lights at the Centre with the State Department of Public Works, and to request a definite date as to when they anticipate receipt of this part.

TREE DEPARTMENT:

STATE OF EMERGENCY:

Upon the request of the Tree Department, the Board of Selectmen unanimously voted that a State of Emergency did exist because of the storm which occurred on August 28, 1971, thereby approving expenditures by the Tree Department on August 28, 29, 30, 31 and September 1, 1971, incurred because of the storm.

VANDALISM:

The Board requested the Executive Secretary to schedule a meeting with the School Committee, Purchasing Agent, Safety Officer and Juvenile Officer to discuss the problem of vandalism in the schools.

MEETING ADJOURNED AT 10:40 P.M.


John F. DelPrete, Clerk