

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN DECEMBER 6, 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:

#124 - Dec. 6, 1971 - Bill - \$260,539.67
#125 - Dec. 6, 1971 - Pay Roll - \$230,835.16

AMUSEMENT LICENSE - Dixie Lee Diner, Inc., juke box, #470 Waverly St., week days, Sundays, 1972, 8 a.m. to 7 p.m.

AUCTIONEER'S LICENSE - Theodore Milgroom, 1323 Worcester Rd. E-11, Framingham.

COMMON VICTUALER'S LICENSE - Friendly Ice Cream Corp., 234 Union Ave.

SUNDAY ENTERTAINMENT LICENSES:

Caesar Tamagno, Inc. d/b/a Monticello Restaurant, Dec. 12, rear 90 Worcester Rd.:
1. Patron's dancing.
2. Comedian, Singer, dance team, M.C., trio, background music.
Dixie Lee Diner, Inc., 470 Waverly St., juke box, Sundays, 1972.

RATIFICATIONS:

Open, occupy and obstruct st.-Worcester Gas Light Co.:
22 Irving St., install new 1½" service, Dec. 2 to Jan. 31, 1972.
118 Union Ave., testing and repairing, Dec. 2 to Jan. 31, 1972.
Watson Pl., Town of Framingham (D.P.W.) install new 2" I.P. service - Dec. 7-Feb.7,1972.

JURORS:

The following were drawn to serve as Jurors on Jan. 3, 1972, at Lowell:
Anne L. Kendall, Coffee Shop, Framingham Union Hospital, Framingham, Mass., 110 Belknap Rd. residence.
Charles B. Foster, Jr., Manager, Honeywell, Inc., 18 Life St., Brighton, Mass. (23 Cove Ave., residence).

The following were drawn to serve as jurors on Jan. 3, 1972 at Cambridge:
Richard Elkinson, self-employed-Delta Professional Equip., 9-11 Mayhew St., Fram., (32 Briarwood Rd. residence)
Albert J. Kaslosky, Toolmaker, Gen. Motors Assembly Div., Western Ave., Fram., (30 Curtis Rd. residence).

The following was drawn to serve as a juror Jan. 3, 1972 at Cambridge (Grand Juror) -
Robert E. Broderick, Sales Eng., Texas Instruments, 60 Hickory Drive, Waltham, Mass. (40 Jodie Rd., residence).

HEARING:

A public hearing was held at 8 p.m. in the Selectmen's Office, Room 21, Memorial Bldg., on the petition of the Boston Edison Co. JONew Eng. Tel. & Tel. Co. for the following permission: Adams Rd., southeasterly side approx. 352' northeast of Maynard Rd. (one hip, guy and anchor). There was no representation from the Utility Companies. Herbert M. Wall, an abuttor, was present requesting assurance that if any damage is done on his property, the utility companies would be responsible for correction. He requested written confirmation from these companies. The Board will request the Utility Companies to comply with Mr. Wall's request.

TRANSFER OF STOCK - THE M & M, INC.:

Application for the transfer of all the capital stock of The M & M, Inc. as a Retail All Alcoholic Package Store Corp. from Doris G. Maguire to Arnold E. Ferrari was received. Attorney J. Laurence Golden appeared on behalf of Mr. Ferrari. Present was Mr. Ferrari and James Harvie, current manager of The M & M, Inc. Attorney Golden elaborated on the personal character of Mr. Ferrari; stating he was a Framingham resident, fully recognized the needs of the area, and would improve the service of the package store at its present location. He explained further, that Mr. Ferrari would be the active member, however, his wife and brother would also be involved. The current manager is expected to be retained. Upon the motion of Selectman Ablondi, seconded by Selectman DelPrete, it was voted to grant permission for the transfer of the capital stock from Doris G. Maguire to Arnold E. Ferrari.

GRAY LINES, INC.:

State Representative J. Laurence Golden reported that the status of the Gray Lines, Inc., with respect to local runs was still in a confused state. He explained that he had heard that Wellesley-Fells Bus Service had agreed to take over Framingham local service for a one week period. (The Gray Lines would continue their express service to Boston.) He said it was also his understanding that Wellesley-Fells would not issue transfers, however, this was only heresay. He noted that he had spoken with representatives of the M.B.T.A. regarding this matter and they had no knowledge of this action. However, if it were so, they did not feel the procedure was proper and in accord with their rules and regulations. A meeting will be held on December 7, 1971 with the State Department of Public Utilities, Attorney Golden reported, and he would attend

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GRAY LINES, INC. (CONT'D.):

to determine whether the transfer procedure was proper. Selectman DelPrete asked if anything could be done as far as the Gray Lines Franchise was concerned. He felt if it were legally possible he would like to stop the Gray Lines from operating within the Town's limits. Representative Golden said he would report back to the Board after the meeting with D.P.U. on Dec. 7.

MALINE-MANCUSO SIDEYARD VARIANCE:

Town Counsel informed the Board that he spoke with both Attorneys Monahan and Pritzker, representatives for Messrs. Livoli and Mancuso, respectively, and both attorneys reported all parties had reached a settlement and were satisfied. Mr. Ablondi requested assurance that all parties were satisfied with the agreement that had been reached. Town Counsel informed the Board that inasmuch as he had spoken with the attorneys involved, it was his opinion that no further action by the Board was required at this time. He suggested that a copy of the revised deed should be made available to him within a short time, insuring that the matter had been settled. He said this was just an understanding of the resolution, however, they had assured him it was simply a matter of drawing up the legal documents. Mr. Ablondi asked why, then, the request for the sideyard variance had not been withdrawn by Mr. Maline. Town Counsel reported that the variance was technically still pending before the Board, awaiting the execution of the necessary papers.

HEARING-HATCH ACT (Whitman and Norris):

A hearing was held at 8:15 P.M. on the application of Ross Whitman for permission to fill a low area and install 24" concrete drain to carry surface water runoff from abutting property to an existing 36" culvert. A hearing was also held at 8:30 P.M. on the application of Roger S. Norris for permission to relocate the existing brook and fill a small area to permit the construction of two (2) single family houses. This project is in conjunction with with the application submitted by Ross Whitman. Present was Joseph Sullivan of MacCarthy Engineering Service, Inc. Plans were reviewed with the engineer. Reports were received from the Town Engineer, Health Department and Conservation Commission. The Board unanimously voted to concur with the Town Engineer's recommendation to approve the proposed project. The Department of Natural Resources will be so advised.

LIQUOR VIOLATIONS - D & M FOODS, INC:

A hearing was held at 8:45 P.M. in the Selectmen's Office, Room 21, Memorial Building as to whether the license issued to D. & M. Food, Inc. for the sale of Malt Beverages and Wine as a Retailer on the premises at 17 Hartford Street, Framingham should be modified, suspended, revoked or cancelled by reason of a violation of the laws of the Commonwealth prohibiting the sale of such beverages to minors. Complaints were made that on both November 5th and 6th, 1971, a sale of malt beverages was made to one or more minors at the licensed premises. Present were the youths involved, their parents, Officer Louis Bigelow (reporting officer), Chief Arthur F. Martins, Mr. and Mrs. Eligio Coniglio, owners of D & M Foods, Inc. and their Attorney, Stephen Weitz. Patrolman Bigelow reported the events concerning the alleged violations. Both minors confirmed the report read by Patrolman Bigelow. Upon questioning, one of the minors reported that this was the first time he had purchased beer, and he had heard that he could purchase beer at this establishment at school. Mr. Coniglio explained that he had recently taken over ownership of the establishment and prior to that there were violations at the store. It was established that the minor was not asked to produce any identification. With respect to the other minor, identification was requested, however, she confirmed that she used her sister's identification card to purchase the wine. Mr. Ablondi agreed there was a close resemblance which indicated this could have been an "honest mistake." Chairman King asked Mr. Coniglio whether he had familiarized himself with the memorandum sent to all liquor license holders under date of November 30, 1970, from the Board of Selectmen, concerning proper liquor identification cards, and also, whether he had returned the acknowledgment form to the Selectmen. Mr. Coniglio said he had received the memo, but had not returned the form. Mr. King cautioned him to review the notice, display it on the premises and return the form acknowledging that he and his clerks are aware of the proper liquor purchase identification card to be accepted. Attorney Weitz asked the Board to consider allowing his client to remain open in view of the short period of time he has been in business. The matter was taken under advisement.

Later in the evening, after further discussion, the Board unanimously voted that violation did occur concerning sale of alcoholic beverages to a minor. It was also voted, upon the motion of Selectman DelPrete, that the beer and wine malt license issued to D & M FOODS, INC. would be suspended for a period of six days, commencing December 13, 1971 through December 18, 1971. Mr. Coniglio will be cautioned that he must not expose for sale any alcoholic beverages during the period of suspension.

SPECIAL TOWN MEETING REQUEST-SCHOOL:

Receipt was noted of a letter from the Finance Committee under date of December 1, 1971 in which they expressed their objection to the School Committee's request for a Special Town Meeting in January, 1972 as there would be considerable disruption in their review and preparation of the budgets and report for the Annual Town Meeting. They have suggested, in place of the January, 1972 Special, that a Special Meeting be called within the Annual for this purpose.

Also received was a letter from Robert M. Ford, Chairman of the School Committee reiterating the urgency of their need for a Special Town Meeting in January, 1972 in order to comply with the requirements of the State for maximum state aid.

Selectman Ablondi moved that the Board of Selectmen cancel the January Special Town Meeting as requested by the School Committee, on the recommendation of the Finance Committee. Chairman King opposed the cancellation of the Special Town Meeting in January. He explained that the School Department had made their plans well known that they would be requesting a Special Meeting in January to present a new building program.

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SPECIAL TOWN MEETING (CONT'D.):

He said he felt in fairness to the School Committee, in order to allow them 65% State reimbursement rather than 50%, the Finance Committee should go along with this request. It was voted, upon the motion of Selectman DelPrete to table this matter until the next Selectmen's meeting, December 13, 1971. It was his feeling that further discussion between Dr. Benson and Finance Committee Chairman, Elmer Goldman, at the Working Committee Meeting scheduled for Wednesday evening, December 8, 1971 in an effort to come to some understanding on this request.

ARTICLES #10 and #11 (SPECIAL TOWN MEETING 12/8/71):

The Board noted receipt of a report from the Chairman of the Land Acquisition Committee in which they recommended that Articles #10 and #11 of the December 8, 1971 Special Town Meeting be adopted.

TRAFFIC REGULATIONS:

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

NO PARKING ANYTIME:

1. On Marble St. both sides from Waverly St. to the end of the public way.
2. On Anzio Road south side from Concord St. a distance of 50 feet.
3. On Bates Road south side from the intersection of Brackett Rd. for a distance of 100 feet.
4. On Brackett Road west side from the intersection of Bates Road for a distance of 100 feet.

HISTORICAL COMMISSION:

The Board acknowledged receipt of a letter from the Historical Commission in which they advised that Dr. J. Frederick Harrington has been named Chairman of their Commission to replace Mr. Ignatius Stapleton who resigned as Chairman. They also requested that they be notified of Redevelopment hearings in the future in order that they may be knowledgeable of any Historical areas which might be affected. The Planning Board will be requested to notify the Historical Commission of all future redevelopment hearings.

FRAMINGHAM CENTRE TRAFFIC IMPROVEMENTS:

Sergeant Robert Foley reported to the Board that a meeting had been held with Selectman Ablondi, Engineering, Public Works Dept. and himself in an attempt to resolve the traffic flow problems at Framingham Centre. He detailed the plans they implemented which, hopefully, would ease the flow in this area. He noted, however, since the implementation of the plan, it was brought to their attention that the Library personnel was experiencing a number of problems regarding parking. Sergeant Foley was asked to investigate further a solution for all day parkers in this area.

Authorization was granted to Selectman Ablondi to arrange a meeting with all persons concerned with Framingham Centre Traffic for consideration of the possible submission of an Article in the Annual, 1972, Town Meeting.

SIDEYARD VARIANCE - PRATT STREET:

It was voted to authorize the Building Inspector to issue a permit to Herbert H. Franck for the construction of a garage at 39 Pratt Street with a sideyard of 2'.

TAXI BY-LAW:

Town Counsel explained to the Board that pursuant to a recent ruling contained in the Federal Register, November 13, 1971, it was his opinion that the Board could now consider implementation of the taxi by-law. He explained further, in answer to a question raised by Selectman Ablondi concerning rates, that if the Board was satisfied the rates were consistent and reasonable they may vote to implement the bylaw and the rate increase. After further discussion, it was voted to notify the taxi owners that they may proceed with the necessary steps to provide taxi meters in their vehicles. They will be requested, however, to contact the Board for further discussion and clarification prior to implementation of the taxi meters. Selectman DelPrete expressed some concern over the lack of, or inadequate bus transportation at the present time, noting that this may result in increased taxi business. It was pointed out that, hopefully, this matter would be resolved before the taxi meters were installed.

TRUSTEE-EDGELL GROVE CEMETERY:

Pursuant to an opinion by Town Counsel regarding filling a vacancy on the Edgell Grove Cemetery, the Board unanimously appointed Dr. Ralph C. Farrington as Trustee to fill the unexpired term of Mrs. Margaret Esty, recently resigned member, said term to expire at the next annual election, March, 1972.

AMTRAK:

Selectman Peter Ablondi reported that the meeting he and Robert McNally, delegate to the Framingham Transportation Committee, had attended on Friday, December 3, 1971 in Washington, D.C. regarding local commuter rail service was a very informative one. A second meeting has been scheduled at 4:00 P.M. in the Memorial Building with representative of other local communities for further discussion, and he will represent the Board.

MEETING ADJOURNED AT 10:15 P.M.


John F. DelPrete, Clerk