

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN MARCH 11, 1974

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

WARRANTS:

#182 - March 11, 1974 - Bill - \$184,581.33
#183 - " " " - Pay Roll - \$453,018.35
#184 - " " " - School Pay Roll - \$440,877.66

AUCTIONEER'S LICENSE:

Warren Schwab (residence, 32 Cedar St., Millis), for One Day Only, June 1, (rain date June 8) at The Learning Center for Deaf Children, 10 a.m. to 5 p.m.

BEANO LICENSE:-

A Beano License was granted to the American Legion Post #74, at 11 Beech St.

COMMON VICTUALER'S LICENSES

Kostas Garefalakis d/b/a Dairy Queen, 518 Union Ave.
Henry Gogas d/b/a Framingham Center House of Pizza, 961 Worcester Rd.

MOTOR VEHICLE LICENSES:

Class I - Gateway Lincoln Mercury, Inc., 571 Worcester Rd.
Class II - John Nedoroscik & Lydia Nedoroscik, 470 Waverly St.

SPECIAL MALT BEVERAGE AND WINE LICENSES:

Classes of 1974 and 1976 (Framingham State College), Dwight Gymn, March 15, 9 p.m. to 1 a.m.
Larned Hall House Council, (Framingham State College), Larned Hall Recreation Room, (State College), March 14, 7 p.m. to 11 p.m.

SUNDAY ENTERTAINMENT LICENSES:

Recreama, Inc. d/b/a Chateau de Ville Dinner Theatre, March 3, 10, 17, 24, 31, April 7, 14, 21, 28, 220 Worcester Rd., 6 to 12 p.m.

RATIFICATIONS:

Open, occupy & obstruct st.-Commonwealth Gas Co.:
Lot 3 Parker Rd., install gas service, March 5 to April 5.
Irving St. @ Hollis St., test and repair existing gas, March 7 to April 8 (no work to start before March 11.

Obstruct sidewalk - Louis A. Travaglini, 739 Waverly St., paint house, March 8 to April 30.

APPOINTMENTS:

The following were appointed special police officers for a term of one year, eff. 3/11:
John V. Ephlin, 6 Wilson Dr.
Ronald E. Cummins, 55B Beaver Pk. Rd.
Wm. Andrew Morley III, 82R Broadway, Saugus.
The following was appointed a sworn weigher for a term of one year, eff. 3/11:
S. H. Damigella, 162 Church St., Holliston.

PETITIONS:

The petition of the New Eng. Tel. & Tel. Co. JO Boston Edison Co. for the following permission was granted: School St., southerly side, approx. 4' east of Lovering Lane, one JO pole (one JO pole to be removed).
The petition of the New Eng. Tel. & Tel. Co. JO Boston Edison Co. for the transfer of the following pole to the Boston Edison Co. was granted: Concord St., south-westerly side approx. 370' northwest of A St. (one pole).

CONFERENCE - BUILDERS' REALTY GAS TANK:

Residents in the vicinity of 131 Fay Road appeared before the Board to express strong objection to the installation of an underground gasoline tank by Builders Realty Co. at 131 Fay Road. Norman Pontremoli, spokesman for the group, told the Board that the license to store gasoline was issued August 23, 1954, however, the tank was never installed and the license was not renewed annually, in accordance with Section 13 of the State Law, until this year when Builders Realty paid their renewal fee for the past twenty years (\$20.00) because they have decided to activate their license. He expressed strong objection to the installation of the tank, noting that initially when the license was granted it was a rural area, however, it has since become a much more populated residential area. He also told the Board he felt it was unfair that the new abutters were not notified about the gasoline storage proposal and given the opportunity to be heard on the matter. Responding to a request for clarification from Chairman Ablondi, Town Counsel explained in detail the laws pertaining to gasoline storage licenses, pointing out once the license is granted it becomes in effect attached to the land. He confirmed that the Builders Realty license was granted in 1954 in accordance with the law. He explained further that

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BUILDERS REALTY (CONTINUED):

the Board of Selectmen have the authority to revoke a license, following a published hearing to hear all parties interested in the possible revocation of an existing license. Also present were Building Official George Seeley and Fire Chief Jerome Byrne. Mr. Seeley said he had observed the premises and found that the area is densely populated and residentially zoned. He felt the abutters did have a right to be heard on the matter. Fire Chief Byrne said he had checked with the Department of Public Safety and the license was properly granted twenty years ago. A resident in the area questioned why, after 20 years, Mr. Cueroni decided to install the 1,000 gallon tank. Mr. Pontremoli said he was especially concerned because he felt the tank had already been buried. He reiterated his opposition to the tank, noting it was a potentially dangerous situation. John King agreed that conditions have changed over the period of years and in light of this indicated a review of the situation to see if it is in the best interest of the area and the town would be in order - especially since they have not exercised their right over 20 years. He motioned to call the owner of the property in, together with those interested in the matter, to hear all parties in order to determine if there were sufficient grounds to revoke the license. John DelPrete cautioned that all procedures should be followed legally. It was unanimously voted to schedule a formal hearing. Mr. Pontremoli said he hoped the burying of the storage tank would have no effect on their action. Town Counsel cautioned that any information discussed at this meeting would not be considered at the hearing. At the time of the public hearing, immediate abutters to the land will be notified by mail and at that time everyone will have an opportunity to make their views known. Responding to a question raised by Mr. Pontremoli, Town Counsel clarified that abutters considered would be those touching the land in question - neighbors to either side, to the rear and across the street. Mr. Pontremoli will be notified, at his request, although he is not considered an immediate abutter.

At the conclusion of the meeting, John King asked Mr. Cueroni (arrived late) whether he had in fact already buried the tank. Mr. Cueroni replied he had. John King asked him if he would not fill the tank until after a public hearing was held before the Board. Mr. Cueroni agreed to delay filling the tank.

CONFERENCE - GASOLINE STORAGE (ZAYRE CORP.):

Mr. A. F. Spezzano, Mgr. of Architecture & Engineering for Zayre Corp. and Attorney Donald Bloch, counsel for Zayre Corp. appeared before the Board in connection with a license granted to Zayre's last week to store 20,000 gallons of gasoline, for private use - not for resale. Attorney Bloch asked the Board to modify the restriction presently on the license, "not for resale", and to add the words "except to employees". Attorney Bloch explained that in addition to using the fuel to be stored for its own use, his client wished to resell the same to its employees located in its Framingham-Natick complex in order to alleviate problems currently being encountered by employees in obtaining fuel for purposes of commuting to and from work. He told the Board sales will be limited to employees by means of stickers to be displayed on the windshields of employees' cars and coupons issued to employees. The number of gallons sold would be limited to 10 gallons per week and intended only to supplement normal fuel purchases available to employees. The price would not be less than the street price, but because of a smaller sales volume than the gas station dealers have, and the 10 gallon per week limitation, they would reap little or no profit. Chairman Ablondi said he was concerned that they would be opening up a "pandora's box". Fire Chief Byrne agreed with Mr. Ablondi, noting it would be opening it to everyone who has gas for storage, but not for sale. He indicated it would not be fair to the local dealers. John King asked how the General Laws could be modified to provide for this. Town Counsel explained that the Board could issue a permit and they could qualify the issuance of the permit by making exceptions they wished to establish. He added the purpose of the General Law is to primarily insure the safety factor. Responding to a question raised by John King as to whether the matter was properly before the Board, Town Counsel said it would not be necessary to advertise a new hearing. He explained there is no change in the storage concept, and the only question before the Board was whether they saw fit to modify the license. John DelPrete expressed concern that this might become a permanent arrangement. He said he would want this modification removed once the energy crisis lifts. After further discussion the Board took the matter under advisement.

ROUTE 126 AND ROUTE 30 INTERSECTION:

Responding to the Board's inquiry with regard to a request for a longer amber signal at Route 126 and Route 30 to allow pedestrians to cross, Sergeant Foley advised the Board that any change in the amber signal would not allow pedestrians to cross because vehicles are allowed to make a right turn on red signal at this location. In connection with same, receipt was also noted of a letter from Senator Burke in which he advised he has received many complaints concerning the hazards to pedestrians at this intersection, and suggesting that the Board formally petition the State Department of Public Works for a signal updating, or the installation of a separate pedestrian traffic light. Discussion followed. Sgt. Foley explained to the Board in order to accomplish a change at this intersection it would be necessary to complete a pedestrian count, obtain state approval for installation of Walk-Don't Walk signals. In accordance with Sgt. Foley's recommendation, a traffic count by the Engineering Department will be requested. Sgt. Foley was also directed to meet with the Town Engineer to make further study of the intersection and to submit additional recommendations. John King suggested that an updated report be obtained of the entire conditions at Route 30 from the Route 30 Study Committee.

NICHOLAS ROAD - CROSSING GUARD:

In response to the Board's inquiry with regard to posting a crossing guard at Water St. and Nicholas Rd., Sgt. Foley reported he did not feel a crossing guard should be posted at this crossing. John King disagreed, indicating, because of the heavy volume of traffic at this location, a guard should be posted, Sgt. Foley pointed out it would not be practical. He said he would like to be able to post guards at many other locations for which requests have been received, however, the cost would be prohibitive. As a result, in his judgement, he has had to defer to the more critical areas. After further discussion, it was unanimously voted to concur with Sergeant Foley's recommendation. Selectman DelPrete asked him to arrange for spot checking in this area.

TRAFFIC RULES AND REGULATIONS (AMENDMENT):

It was unanimously voted to amend the Traffic Rules & Orders to include Stop Signs to be erected at Main St. West at Union Ave. and Wheeler Ave. Southwest at Main St. Approval will be sought from the State Department of Public Works.

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WELLESLEY FELLS BUS LINES, INC:

Receipt was noted of a letter from Attorney Alfred Morin, Counsel for Wellesley Fells Bus Lines, Inc. advising that on February 13, 1974 the M.B.T.A. voted to approve the transfer of the Certificates of Public Convenience and Necessity of the Gray Line Inc. of Boston to Wells Fells Bus Lines, Inc. which covers the local Route 9 runs from Framingham to Boston. With regard to the Framingham, Ashland, Hopkinton runs, and the inter-Framingham runs, a reapplication for approval of the transfer of said runs from Gray Line to Wellesley Fells has been made to the D.P.U. and has been set down for hearing on March 21, 1974. Currently the runs are being offered by Wells Fells Bus Lines, Inc. under a temporary lease of equipment to Gray Line, Inc. pending the March 21 hearing. Responding to a request from Peter Ablondi to seek funds to supply local bus service, Ralph Noonan reported that the Planning Director is presently investigating this possibility.

STREET ACCEPTANCES:

A report was received from the Town Engineer concerning several questions which were raised at the recent street acceptance hearing in connection with Travis Drive and Woodland Drive. Mr. Sergeant advised that repairs were made to a catch basin in front of #14 Travis Drive, and sidewalks were not required for Woodland Drive in specifications dated October 22, 1962. He recommended that both Travis Drive and Woodland Drive be included in the list to be presented to Town Meeting for street acceptance. The Board voted unanimously to follow the Town Engineer's recommendation to include these streets. John King directed the Town Engineer, who was present, to obtain confirmation from the Developer of Travis Drive that he would be willing to come back and repair the catch basin should future problems develop.

SIDEYARD VARIANCE:

A request for a sideyard variance from Mr. and Mrs. Alan Dayhoff which had been tabled at an earlier meeting was reopened for discussion. After careful review and consideration by the Board, it was unanimously voted to deny their request for a side yard variance of 1' in order to place a tool shed on their property at 53 Gleason St.

SPECIAL MUNICIPAL EMPLOYEE DESIGNATION:

With the concurrence of the Park Commissioners, it was unanimously voted to designate the position of Motor Equipment Operator III (ME03) as "Special Municipal Employee". The request was initiated by Bruce Kenyon, a Park Department Employee, in order that he could be considered as a Special Employee for the Highway Department.

AREA GAS MEETING:

Natick Selectmen have extended an invitation to area town officials and service station owners to a meeting at the Natick Town Office Building on Wednesday, at 8:00 P.M., to discuss the results of policies currently in effect at most area service stations. Receipt was noted by the Board and the Executive Secretary will represent the Board at this meeting.

ELECTRIC RATE HIKE:

Receipt was noted of a letter from Yvonne Giargiari registering a strong compliant against the public utility's electric rate hikes. Mr. Noonan, Executive Secretary, reported he has had several discussions with the office of the D.P.U. and was advised by Mr. Hickey that there will be a hearing on the referenced matter on March 13th, in Garnder Auditorium at 10:00 A.M. at which time they will listen to anyone. They decline having a hearing or meeting in Framingham at this time as it is their feeling it would be improper to discuss the matter until after the hearing in Boston. He advised also that Senator Burke has also spoken with Mr. Hickey who said the Board would be getting a letter on Monday or Tuesday stating their policy on fuel adjustment rate hikes, and their position regarding hearings. Town Counsel, responding to questions raised by John King, explained that the fuel adjustment clause was granted to utility companies by the D.P.U. in 1946 and it was not exercised until this energy crisis. He explained further, their rate is determined by the price of crude oil which is used to run their generators and the adjustment charge which appears on the bills is a true reflection of what Boston Edison has to pay for crude oil. He noted if the price of crude oil continues to rise, the adjustment charge may continue to rise. John King felt strongly that the fuel adjustment charges should be eliminated. He questioned whether Boston Edison cared about where they purchase their oil, noting the fuel adjustment charge is very low in the Western Part of the State. He suggested perhaps going to the Committee on Governmental Regulations. He also urged the Executive Secretary to contact the Boston Edison Co. to spell out the fuel adjustment rate so that consumers can understand them. After further discussion John King said that eventually the people of Framingham may have to go to Boston to let the State House officials there know of the town's dissatisfaction. He directed the Executive Secretary to continue to try to set up a hearing with the D.P.U. in Framingham and if they refuse the request, other steps will have to be taken. The matter was tabled until next week.

REQUEST FOR 24 HOUR OPERATION:

A request for a 24 hour operation of Common Victualer's operation by Dick's Diner at 800 Worcester Rd. was tabled pending receipt of additional information from the police.

SCHOOL TRANSPORTATION COMMITTEE MEMBERSHIP:

Recommendations were received from the School Transportation Committee for the Board's consideration for appointments to that Committee to replace Marie Mulhern and Kathleen Maguire, recently resigned members. The matter was tabled pending clarification of membership appointments.

RETIREMENT - MARIE MULHERN:

Receipt was noted of a letter from Marie Mulhern concerning the status of her retirement which was filed in January of 1974. She also requested permission to continue taking calls, etc. in her home in order to stay on the payroll until her retirement is considered. Robert Burke of the Retirement Board explained she was not eligible for payroll compensation, however, she could file for Workmen's Compensation if she so desires. Mr. Burke was directed to explain this information to her in detail. Mr. Ablondi asked Town Counsel to draw up rules and regulations regarding procedures to follow in the future on similar circumstances in order to avoid confusion.

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LICENSE TO SELL FLOWERS:

It was unanimously voted to deny the request of Mr. Lawrence Greenberg for a license to sell flowers and flowering plants at certain locations in the Town of Framingham.

SERGEANT JOSEPH DALLAMORA:

Receipt was noted of a request from Sergeant Joseph Dallamora for a leave of absence without pay. Said request will be referred to the Director of Personnel for review in accordance with the provisions of Section 5.A. (2) Sub Section J.

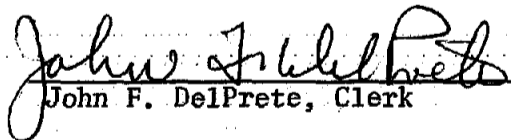
TOWN INSURANCE:

A possible revision of the bidding process on town insurance policies was suggested by John King. He asked the Executive Secretary to review the policies to see if perhaps a different approach would be beneficial.

EXECUTIVE SESSION:

The Board met in Executive Session with Lieutenant John Magri of the Police Department, Captain Berte, and Robert Burke and John Murtagh of the Retirement Board relative to Lt. Magri's disability and his application for retirement.

MEETING ADJOURNED AT 9:30 P.M.


John F. DelPrete, Clerk