

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN APRIL 8, 1974

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

ORGANIZATION OF BOARD:

John F. DelPrete nominated John F. King as Chairman. This motion was seconded by Peter W. Ablondi, and so voted.

John F. King nominated John F. DelPrete as Clerk. This motion was seconded by Peter W. Ablondi, and so voted.

WARRANTS:

#195 - April 8, 1974 - Bill - \$449,344.28
#196 - " " " - Pay Roll - \$270,157.16
#197 - " " " - School Pay Roll - \$442,465.72

DANCE LICENSE - Framingham Forester's Association, Inc., Foresters Hall, 86 Bridges St. Ext., April 13, 7:30 to 12 p.m.

AUCTIONEER'S LICENSE - Sandra T. Bierig, 81 Salem End Rd.

RATIFICATIONS:

Obstruct sidewalk - James H. McIntyre, 40 Union Ave., reset lighting fixtures that pulled from building, April 25, 3 hrs.

Open, occupy & obstruct st. - New Eng. Tel. & Tel. Co., Beaver St., and Third St., install two conduits to new telephone garage, April 8 to June 29.

APPOINTMENTS:

The following precinct officers were appointed for a term of one year:

Counter in Precinct 3 - Faye Greenberg, 28 Brownlea Rd.

Inspector in Precinct 9A - Helen M. O'Neil, 44 Clark St.

HEARING - GASOLINE STORAGE (REGIONAL VOCATIONAL SCHOOL):

A public hearing was held in the Selectmen's Office, Room 21, Memorial Building, at 7:30 P.M., on the application of South Middlesex Regional Vocational Technical School for a license to use the land at 750 Winter Street for the storage of 4,000 additional gallons of gasoline, making a total of 6,000 gallons, in one underground tank, for private use - not for resale. Carl Morgan, Superintendent of Buildings & Grounds, was present to represent the Regional School. Mr. Morgan explained the request for additional storage was because the gas companies would not deliver less than 6,000 gallons to the school. Richard Dew, an abuttor, was present to express his opposition to the location of the proposed tank. He said he did not have any objection to the gasoline storage, however, he and his neighbors did oppose strongly the location and questioned why it should be near the foot ball field; at the opposite end of the building from the shops, and in an area which is subjected to severe flooding. Mr. Morgan explained the storage had nothing to do with the shops, and Fire Chief Byrne said standing water would not interfere as long as the tank is set on a pad and strapped to it. He stressed there would be no seepage if the tank is installed properly. Responding to a question raised by John King as to the safety factor, Fire Chief Byrne said he would recommend the granting of the license and could see no problem with the tank at this location. Mr. Dew also objected to a pre-fabricated shed shown on the plan for the gas tank, stating it was not part of the school's original building plan and had not been subject to a public hearing. He also pointed out that the original plans did not contain a device which has been installed on the Winter Street side of the School and which the neighbors find objectionable. Mr. King asked Mr. Morgan if the structure had been included in the original plans. Mr. Morgan said he was quite sure they were part of the original plans, however, did not know whether the shed was shown at this location. Mr. Ablondi said he had no objection to the location of the gasoline tank, however, he was concerned that the abuttors had not received prior notice regarding the structure. Mr. DelPrete questioned whether school buses would be stored there. Mr. Morgan said the shed would be used for storage of buses in order to prevent vandalism and theft. Lengthy discussion followed. Mr. Ablondi said he was satisfied that all safety precautions would be taken and motioned to grant the license. John King said he was not concerned with the storage concept, however, was disturbed that the structure was not part of the original project. He said he didn't know when the School Committee decided to erect the building, but if it had been included in the original plans many objections would have been raised at that time. He motioned to table the request for additional storage. John DelPrete agreed, indicating further investigation by the Building Committee was necessary. He felt the structure was a detraction from the main building and could not understand this being an afterthought. He seconded Mr. King's motion to table the request. Mr. Ablondi asked Town Counsel as to whether the shed could be built after Mr. Morgan said the money had been appropriated. Town Counsel alerted the Board to the fact that his law office was involved with litigation on Mr. Dew's behalf with respect to prior construction of the Voke School. However, he felt he could answer Mr. Ablondi's question without being in conflict and told the Board that if the money has been appropriated then Town Meeting has nothing to say about it, nor are the abuttors involved. Mr. Ablondi concurred with John King's motion and it was unanimously voted to table the matter pending further investigation.

KIDDILAND ARCADE LICENSE:

Mr. Segal of Kiddiland and his attorney, Mr. Black, appeared before the Board requesting that action be taken on their application for an Arcade License inasmuch as they were in the process of negotiating a lease. Mr. Ablondi told them he was not prepared to vote on it inasmuch as he wished to study it further and motioned to keep this item on the table. Unanimously voted.

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HEARING - LIQUOR VIOLATION (MOON PALACE):

A public hearing was held in the Selectmen's Office, Room 21, Memorial Building, at 7:45 P.M. as to whether the license issued to Moon Palace Restaurant, Inc. for the sale of All Alcoholic Beverages as a Restaurant on the premises at 1138 Worcester Road, 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. The hearing was scheduled as a result of a complaint received by the Police Department from a concerned parent about an alleged violation at the Moon Palace. Present were the two youths involved, their parents, Lt. Salvi Pascucci, Juvenile Officer, Patrolment Daniel Giro and Sgt. Feely, Investigating Officers and Paul Yee, Owner of the Moon Palace. Also present was the waitress who served alcoholic beverages to the youths in question, Jeanne Neff. All persons involved were sworn in by Town Counsel. The report citing the events of the evening, March 18, 1974, was read by Officer Giro. The incident involved two fifteen year old girls who had been served alcoholic beverages. Town Counsel questioned the two youths and they both confirmed it was the first time they had ever been served at the Moon Palace; they were not in the lounge but rather in the restaurant and initially had no intention of having a drink, however, when the waitress asked if they wished a cocktail they decided to have a drink. They were not asked to furnish any identification attesting to their age. Paul Yee, owner of the restaurant, confirmed the report and all other testimony given. Ms. Neff told the Board it was her fault and would like to take full responsibility. She said all the employees of Moon Palace have been cautioned repeatedly by Mr. Yee to ask for identification, however, that evening she was not thinking and failed to ask for identification. Lt. Pascucci noted that he had never before had any complaints in connection with Moon Palace and indicated it was a well run restaurant. Officer Giro also noted that it was a well run restaurant. Lt. Pascucci added that he knew the girls were wrong, however, felt it was the proprietor's duty to see that the laws are carried out. The youngsters were criticized severely by the Board and the seriousness of the incident was emphasized. The Board also pointed out that they had placed a substantial burden on the proprietor inasmuch as he could realize a severe loss in revenue if his license is suspended for any period of time. The Board voted unanimously to take the matter under advisement.

ARTICLE #89 - ANNUAL TOWN WARRANT:

Dr. Joseph Ferrucci appeared before the Board to express concern over Article #89 of the Annual Town Warrant. He told the Board he considered the proposed off-street parking requirement discriminatory against the medical profession, and possibly illegal. The proposal, contained in the Warrant, increases the parking spaces required since non-office areas such as common staircases and corridors are subtracted from the gross area to find the net floor area. Responding to Dr. Ferrucci's question regarding the legality of the Article, Town Counsel told him the Article was legal, adding he would make no comment on whether it is proper from a sound planning point of view. Town Counsel explained that the sponsor of the Article, Planning Board, had already held its hearing on this Article, however, he was sure they would still be interested in listening to his comments. He also pointed out that Dr. Ferrucci should express his views to Town Meeting when the Article is up for discussion. Dr. Ferrucci said he was especially concerned over the effects of this Article because he was involved in plans to build a medical building. He was advised that he would qualify for the old, less stringent parking requirements if the plan was filed before the law went into effect.

FUEL ADJUSTMENT CHARGE:

John O'Gara met with the Board briefly to report that he and members of the Massachusetts Energy Conservation Alliance (MECA) had met with the president of the Boston Edison Co. that day to request (1) The Edison Stockholders' support for a full and independent audit of the oil industry, and (2) that the company develop legislation to provide for some elected members of the Department of Public Utilities. Mr. O'Gara told the Board that both requests were refused. He pointed out also that Governor Sargent has offered to create a three-man appointed Committee, however, he did not feel it would be any more responsive than the present DPU. John King expressed his thanks to Mr. O'Gara for keeping the public well informed on their fight against the deceptive billing practices.

In connection with same, notification was received from the D.P.U. of a hearing to be held on April 30th concerning the fuel adjustment charge. Mr. King noted that the legislators were filing a document in opposition to the increased charges and suggested that the Board of Selectmen file a similar document representing the whole town. The Executive Secretary was directed to prepare such a document with Town Counsel to be presented at the opening session of the DPU hearing on April 30th. Unanimously Voted.

TRAFFIC REGULATIONS:

On the recommendation of Sergeant Foley, it was unanimously voted to approve the installation of NOT A THROUGH STREET sign on Magnolia St. at Beacon St.

FRAMINGHAM STATE COLLEGE - GRADUATION ACTIVITIES:

In accordance with a request from Framingham State College, it was unanimously voted to permit the College to erect a tent on the Framingham Center Common from May 24 to May 28, 1974 in connection with its commencement activities. They will be cautioned, however, to take whatever steps are necessary to leave the grounds in an orderly condition; i.e., grade and seed any area that is disturbed as a result of the activities.

HUMAN RELATIONS COMMISSION APPOINTMENTS:

Receipt was noted of a recommendations from the Human Relations Commission for appointments to same.

SAXONVILLE PUMPING STATION:

In accordance with a request from the Treasurer-Collector, Donald Bishop, a joint meeting with the involved parties will be scheduled for April 10, 1974 at 5:00 P.M. to discuss outstanding bills on the Saxonville Pumping Station project.

APPOINTMENTS:

Mr. Ablondi motioned to defer taking action on any appointments in order to permit him to study them in depth. Unanimously voted.

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LEGISLATION:

Receipt was noted of a letter from Representative Barbara E. Gray in which she brought to the Board's attention two bills which will be heard this week; Senate 644 and House 1302. Opposition to House 1302 was expressed by Peter Ablondi who said he was tired of legislation being passed without funding. Messrs. DelPrete and King also expressed opposition. Mr. DelPrete felt strongly that it was totally unfair to eliminate home rule and then have the Town foot the bill.

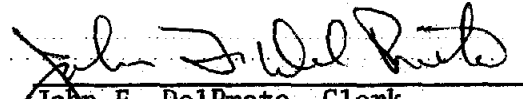
HOLIDAY MEETING:

It was voted to reschedule the weekly meeting of the Board of Selectmen to April 17, 1974 at 7:00 P.M. because of the Holiday.

ELM STREET TRAFFIC:

John King asked Sergeant Foley to implement the installation of signs on Elm St. denoting School Zone in order to slow down the traffic in this area.

MEETING ADJOURNED AT 9:00 P.M.


John F. DelPrete, Clerk