

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN APRIL 5, 1976

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

WARRANTS:

#113 - April 5, 1976 - Bill - \$141,190.35
#114 - April 5, 1976 - Pay Roll - \$866,382.44

SHOW LICENSE:

Sisters of St. Joseph Fathers Club, Horse Show, 85 Bethany Rd., June 12, 8 a.m. to 6 p.m.

SPECIAL MALT BEVERAGE AND WINE LICENSES:

Larned Fourth Floor State College, at Larned Rec. Rm. State College, April 8, 8:30 p.m. to 12:30 a.m.

Sisters of St. Joseph Fathers Club, 85 Bethany Rd., June 12, 13, 8 a.m. to 6 p.m.

Student Union Board State Teachers College, Dwight Gymn, April 10, 8 p.m. to 12 p.m.

Kiwanis Club of Framingham (Nat Walsh) Lower Nevins Hall, Memorial Building, May 14, 8 p.m. to 12 p.m.

SUNDAY ENTERTAINMENT LICENSES:

Sisters of St. Joseph Fathers Club, Horse Show, June 13, 85 Bethany Rd.

Sidney W. Lebewohl d/b/a Framingham Carousel Flea Market, April 25, May 2, 9, 16, 23, 30, June 6, 13, 20, 27.

COMMON VICTUALER'S LICENSE:

Eighty-Six Corp., d/b/a Mr. Donut, 517 Worcester Rd.

AUCTIONEER'S LICENSES:

Lyman L. Hall, Dudley Southbridge Rd., Dudley, Mass., One Day Only, April 10, 1976, at Bicknells, Inc., 665 Cochituate Rd.

Martin Doliner, 11A Victory St.

DANCE LICENSE:

Patrick M. DeMauro, Italian American Club, 35 South St., April 24, 8 p.m. to 1 a.m.

AMUSEMENT LICENSES:

Robert Grossman of B'Nai B'Rith, Carnival, with rides (ferris wheel, hobby horse, 3 sm., children's rides, ski doo, glass house, scrambler, whip, moon ride), Bowditch Field, April 12 to 18, Mon. to Fri., 5 p.m. to 10 p.m., Sat. 1 p.m. to 10 p.m.

Cardozo Lodge No. 102, Knights of Pythias, Carnival with children's rides, approx.

20 booths, no gambling, Caldor's Parking Lot, Rt. 9, May 31 to June 5, Mon. 1 p.m. to 10 p.m. Tuesday, to Thursday, 6 p.m. to 10 p.m., Fri., 6 p.m. to 11 p.m., Sat. 1 p.m. to 11 p.m.

OBSTRUCT SIDEWALKS:

St. Bridget's School for the Heart Fund, business districts of town, tag days-collecting for the Heart Fund, April 16 to 17, downtown business districts.

PETITION:

The petition of the New Eng. Tel. & Boston Edison Co. for the abandonment of joint location of 1 pole on Franklin St., southwesterly side, approx. 127' southeast of Maple St., locations granted under orders dated-recorded in the Town Clerk's Record, Dec. 30, 1968, book 13, page 360 was approved.

APPOINTMENT:

The following was appointed a special police officer for a term of one year: Gregory M. Fistetto, 62 Hemenway Rd.

HEARING - TRANSFER OF STOCK (D & M FOODS, INC.):

A public hearing was held in the Selectmen's Office, Room 21, Memorial Building, under the provisions of Ch. 138, Section 15a of the General Laws, as amended, on the request of D & M Foods, Inc., holder of a Wine and Malt Beverage License as a Retailer, for approval of transfer of stock to Susan L. Swanson, at their same location-17 Hartford Street. Present were Attorney Stephen P. Weitz, representing the present stockholders, Eligio and Antonietta Coniglio; and Attorney Victor Galvani, representing the proposed stockholder. Details of the transfer were presented by Attorney Galvani. An affidavit was filed indicating that the hearing had been advertised and that the abutters had been properly notified. No opposition was presented, and on the motion of John King, it was unanimously voted to grant the transfer - pending approval of the Alcoholic Beverages Control Commission.

TRAFFIC REGULATIONS:

On the recommendation of Safety Officer Foley, it was unanimously voted to approve the installation of the following sign: SLOW HANDICAPPED CHILD - On Arlington St. 100 feet west of Irving St. for westbound traffic and 100 feet south of Arlington Street for northbound traffic - On Arlington Place.

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CONFERENCE - COUNCIL ON AGING (FARLEY BUILDING USE):

At their request, the Board met with Betty McQuiston (Director) and Larry Weinberger (Chairman) of the Council On Aging to discuss the position of the Council on Aging as it applied to the utilization of cafeteria space in the Farley Building. They cited the fact that the Town Meeting of April, 1974 in Article #20 technically returned the control and responsibility for the entire Farley Building, with the exception of the second and third floors, to the Board of Selectmen. They also referred to a letter of December 19, 1974 from Dr. Albert Benson in which he reported a unanimous vote of the School Committee on December 17, 1974 as follows:

"VOTED: That as of January 1, 1975, and pursuant to Article 20 of the 1974 Annual Town Meeting, the School Committee hereby transfers to the Board of Selectmen the care, custody, management and control of the first floor, the basement, the cafeteria, and the gymnasium of the Farley School."

Based on this vote, the Council on Aging maintained that the disposition of the cafeteria area was entirely under the control of the Board of Selectmen. They objected strenuously to the proposal for utilization of the cafeteria by school children beyond the end of the current school year. Mrs. McQuiston pointed out that initially the children were to be housed in the Farley Building on a temporary basis and the Council has willingly cooperated, however, each year a new crisis arises and the problem continues. She asked where it would end. She cited the fact that this severely limited the programs and utilization of the Council on Aging area and requested the Selectmen to take whatever action is necessary to prevent the continuance of the current practice of having to share the cafeteria area. Chairman DelPrete commented that he could appreciate their position and he has discussed this matter with many people directly involved. He motioned to direct the Executive Administrator to schedule a joint meeting with the Director and Chairman of the Council On Aging; Dr. Benson, Superintendent of Schools; Woodrow Wilson P.T.O. representatives; and the Executive Administrator to clarify the Farley Building maintenance issue and to try to arrive at a mutually acceptable solution to the cafeteria use problem. On the suggestion of Peter Ablondi, it was agreed that Safety Officer Foley should also be included in this meeting. Mrs. McQuiston opposed this proposition saying that was merely acquiescing to the status quo and it would not solve the problem. Peter Ablondi said before any action is taken, clarification that the building is still under the control of the Selectmen should be obtained. He said at no time had he voted to turn the building back to the School Committee. Town Counsel was requested to render an opinion concerning the degree of control the Selectmen had over the area. After consulting the recorded vote of the Town Meeting and referring to the recorded vote of the School Committee, he stated that the Selectmen had complete control of the specific area in question.

John King reviewed his understanding of the issue. He pointed out the argument made at town meeting was that it was impossible to run an effective and adequate program at Farley School because of inadequate general facilities. This position indicated to him that there was never any desire on the then school committee to continue to use the Farley School for school purposes. He concluded it was his understanding that space was made available for the Callahan Center and the School Committee never considered the use of the Farley School for school purposes in any long range plans. Therefore, he suggested notifying the School Committee that those facilities will not be used for school purposes for the coming year and they should make future plans for school housing. Peter Ablondi agreed, and he motioned to notify the School Committee in writing that the Board of Selectmen agree with the position of the Council On Aging and the cafeteria area would not be available for use by school students as of September 1, 1976. John King seconded Mr. Ablondi's motion. John DelPrete voted against because of the concern of the Woodrow Wilson parents. He said he was hopeful that a joint meeting would resolve the matter. It was voted unanimously, on Chairman DelPrete's motion, to schedule a meeting in addition to notifying the School Committee of the Board's action, which was on a two to one vote.

A representative of the Woodrow Wilson P.T.O. stated that their major concern was the proposed busing of their children to virtually the farthest point from their homes in order to alleviate the overcrowded conditions at the Wilson School. She also stated that the P.T.O. was willing to accept any compromise on the use of the cafeteria which would allow them to avoid the long distance busing for their children.

FRAMINGHAM INDUSTRIAL PARK - STREETS:

An estimate of costs to complete items of work on streets in the Framingham Industrial Park to be considered for acceptance at the Annual Town Meeting was submitted by the Town Engineer. The estimates will be referred to the Town Counsel to be included in an agreement with the developer which will indicate the work to be done, and the amount of money to be placed in escrow, if necessary, for work not completed.

MUNICIPAL PARKING COMMITTEE:

Receipt was noted of a letter from the Director of Public Works declining appointment as a member of the Municipal Parking Committee.

SCHOOL VANDALISM:

Receipt was noted of a letter from the Principal of Framingham North High School, Edward F. Gallagher, enclosing a check in the amount of \$350. representing monies paid by students for vandalism committed inside North High during school hours. The Board's appreciation will be extended to Mr. Gallagher for his cooperation and efforts in controlling vandalism.

275TH ANNIVERSARY OBSERVANCE:

In accordance with a request from the First Parish Church in Framingham, it was unanimously voted to grant the use of the Framingham Center Common, subject to parking requirements, to the First Parish in Framingham, The Plymouth Church of Framingham, and the First Baptist Church of Framingham for a joint anniversary celebration in honor of the 275th Anniversary of the First Parish.

READING ROOM - MARKET PLACE:

A request from Louise Fimlaid for permission to operate a reading room at the Market Place will be referred to the Building Official for his comments, and the Town Counsel was instructed to research the intention of the applicant.

APPLICATION-LIQUOR (CENTRE PIZZA, INC.):

Receipt was noted of an application from Harry Gogas d/b/a Centre Pizza, Inc., 961 Worcester Road, for a license to sell wines and malt beverages. On the motion of John King, it was unanimously voted to direct the Town Engineer to survey and submit measurements with regard to the proximity of the Centre Pizza to the schools and churches in the area.

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DOG OFFICER APPOINTMENT:

The Executive Administrator was instructed to schedule interviews with applicants for the position of Dog Officer at their next regularly scheduled meeting.

CATV HEARING:

The Board was reminded of the public hearing scheduled for April 7, 1976 in Upper Nevins Hall to assess qualifications of applicants for CATV license in the Town. In connection with same, John King asked Town Counsel to submit a written opinion as to whether he would be in conflict by participating in the hearing. He commented that in his seven years on the Board he has been careful to avoid any question of conflict of interest because of his employment by the New England Telephone Co.

FEDERAL REVENUE SHARING REPORT:

Executive Administrator Matthew P. Clarke told the Board that it appeared from the latest official information on Federal Revenue Sharing Funds that there would be more funds available in fiscal year 1977 than had been anticipated. The exact amount will be determined and referred to the Finance Committee for budgeting purposes.

OFFICER FRANCIS MARTINIS:

On the motion of John King, it was unanimously voted to accept the recommendation of Police Chief Martins to appeal the court decision to reinstate Officer Francis Martinis.

NEW BUSINESS:

STREET LIGHT OUTAGE - Peter Ablondi cited the problem of street lights which were out of operation and the method of reporting which should be recommended to all citizens. It was stated that the Town is billed for a flat rate cost on these lights whether or not they are in operation. It is necessary, therefore, to notify the Boston Edison of any outage to insure that the Town gets the service for which they are paying. It was recommended that any citizen report of street light outage be referred directly to the Engineering Department with a request for as accurate a location description as possible. This will allow the Engineering Department to check their official records and pin point their problem in reporting it to Boston Edison.

PENN CENTRAL RAILROAD - TAXES:

Peter Ablondi commented on the change of control of the Penn Central property to Conn Railroad and asked Town Counsel to investigate the possibility of collection of unpaid taxes from Conn Railroad.


LITIGATION - SAXONVILLE SEWER PUMPING STATION:

At the request of Peter Ablondi, Town Counsel explained the delay in filing suit against Builders Realty for delays in the Saxonville Sewer Pumping Station Project was as a result of his concern that it might have an adverse effect on the \$400,000 that was outstanding to the Town in both Federal and State reimbursements. He noted it was not until ten days ago that he learned that it would not have an adverse effect on the reimbursement the town was entitled to, and he proceeded from that point on.

TRAFFIC CONTROL SIGNALS - PRIORITIES:

A priority listing of four locations for traffic control signals included in the Annual Warrant was presented to the Board of Selectmen for their consideration. Peter Ablondi concurred with the priorities recommended by the Executive Administrator and motioned to notify the Finance Committee to proceed. No second was received. In connection with same, Mr. Clarke told the Board that he has since had comment from the State Department of Public Works indicating that there may be no state funds available for support of these projects. John King said he was very much concerned about keeping the proposed tax increase to a minimum and, therefore, motioned to table action until additional recommendations are submitted for possible budget reductions, and an indication on the number of employees that might not be needed in the coming year is submitted. He also requested a discussion at next week's meeting on any money articles that will be placed before town meeting. He explained the reason for tabling the matter was his concern that they might not receive topics funding, and in order to make an intelligent decision, he would like to know the total picture of all costs to the town, and where they can save money. He asked Mr. Clarke to contact Representative Nickinello regarding the status of topics funding. Another consideration, he said, was whether control signals at Concord St. & Dennison Ave. would have any affect on future proposals by the Topics Study Committee with regard to major changes in the downtown area. Mr. Ablondi said he did not believe there would be any affect. Following additional discussion on priority locations, Peter Ablondi asked the Executive Administrator to obtain a compilation of the number of accidents at the Concord St./Dennison Ave. intersection for consideration in prioritizing locations for traffic control signals.

MEETING ADJOURNED AT 9:30 P.M.


Peter W. Ablondi, Clerk