

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

JOINT MEETING WITH SCHOOL COMMITTEE AND BOARD OF SELECTMEN - MAY 5, 1976

Members in Attendance:

Selectmen: Peter W. Ablondi, Chairman
John F. King
John F. DelPrete

School Committee: Joseph P. Conlon, Chairman
Gregory W. Gallagher
Richard H. Daly
Claire Lavin
Charles F. Rousseau
Joseph Walker

Exec. Adm. Matthew P. Clarke

Town Counsel: Aaron K. Bikofsky

Officials, Members of the Public and the Press

Meeting came to order at 7:35 P.M. Peter Ablondi explained the purpose of the meeting was to elect a new member to the Framingham School Committee due to the death of Winston D. Anderson. At Mr. Ablondi's request, M. P. Clarke read a letter dated April 14, 1976 from Joseph Conlon to John F. DelPrete, former Chairman of the Board of Selectmen, reporting the vacancy on the School Committee - in compliance with M.G.L. C.41, S.11.

Peter Ablondi explained the first order of business would be to elect a Chairman for the meeting. On the motion of Charles Rousseau, seconded by Claire Lavin, Peter Ablondi's name was placed in nomination. No other nominations were placed. On the motion of John King, nominations were closed and Peter W. Ablondi was unanimously voted to be Chairman.

Prior to the election process, Chairman Peter Ablondi read the procedures agreed upon by both Boards which would be followed.

Numbers were picked by each voting member and nominations were placed and written on the blackboard as follows:

Richard Eisenberg - nominated by Richard Daly (#1)
Joseph F. Neal - nominated by Joseph P. Conlon (#2)
Shirley Walsh - nominated by John F. DelPrete (#3)
Ralph T. Noonan - nominated by John F. King (#4)
Passed - Peter W. Ablondi (#5)
Waldo D. Lyon - nominated by Joseph Walker (#6)
Passed - Gregory W. Gallagher (#7)
Passed - Charles F. Rousseau (#8)
Passed - Claire Lavin (#9)

In compliance with procedures established, names of other interested persons were placed. John F. DelPrete nominated Charles Bubello. Mr. Rousseau pointed out that each voting member was allowed to nominate only one person in each round. Mr. DelPrete withdrew his nomination. Gregory Gallagher then nominated Charles Bubello and his name was placed on the blackboard.

John King suggested at this time that any person indicating an interest should be recognized so their names could be placed on the blackboard also. Joseph Conlon noted that the School Committee had received correspondence from Joseph Neal, Shirley Walsh and Waldo Lyon expressing their interest in serving on the committee. Nominations were then requested from the floor, however, none were placed. John DelPrete motioned to close nominations, seconded by Claire Lavin, and unanimously voted.

The following is a record of the votes placed:


<u>BALLOT #1</u>	
Mr. Daly	- Mr. Ralph Noonan
Mr. Conlon	- Mr. Joseph Neal
Mr. DelPrete	- Mr. Joseph Neal
Mr. King	- Mr. Ralph Noonan
Mr. Ablondi	- Mr. Joseph Neal
Mr. Walker	- Mr. Ralph Noonan
Mr. Gallagher	- Mr. Ralph Noonan
Mr. Rousseau	- Mr. Joseph Neal
Mrs. Lavin	- Mr. Joseph Neal

Result of the first ballot was: 5 votes for Mr. Neal; 4 votes for Mr. Noonan. John King then moved to make the vote unanimous for Joseph F. Neal and he asked that the voting members be polled for this purpose. It was voted eight to one; Joseph Walker opposed. Mr. Joseph F. Neal was elected to fill the existing vacancy on the School Committee until the next annual election.

Mr. Rousseau moved for adjournment, seconded by Mrs. Lavin, and it was voted unanimously.

Earlier in the meeting, John King questioned the effect that compliance with the open meeting law would have on this meeting. Town Counsel advised that this meeting was directly affected, as are all other public meetings. He briefly reviewed the pertinent sections of the open meeting law which was adopted January 1, 1976.

MEETING ADJOURNED AT 7:58 P.M.


John F. DelPrete, Clerk

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN MAY 10, 1976

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:

#123 - May 10, 1976 - Bill - \$249,224.66
#124 - " " - Pay Roll - \$5,480,951.25

SPECIAL MALT BEVERAGE AND WINE LICENSES:

Framingham State College, Kappa Delta Phi, O'Connor Lounge, State College, May 13,
7 p.m. to 10 p.m.
Class of '76 State Teachers College, Framingham, Dwight Gym State College, May 24,
8 p.m. to 12 p.m.

SUNDAY ENTERTAINMENT LICENSE - Jack August of Framingham, Inc., coin operated T.V. Amusement game, May 16, 1976 to May 8, 1977, 1 Worcester Rd., Shoppers' World.

JUNK DEALER'S LICENSE - United Salvage Corp. of America d/b/a Framingham Salvage Co., 120 Waverly St.

LICENSE TO CONDUCT AUCTION AND TO BE AN AUCTIONEER THEREAT:

Ivers S. Sawyer, household goods for Mrs. A. J. deGozzaldi, 147 Belknap Rd, Sat., May 15, 10 a.m. to 3 p.m. (in case of rain sale to be held May 22, same time.

COIN OPERATED LICENSE - Jack August of Framingham, Inc., 1 Worcester Rd. (Shoppers' World) 1 T.V. Amusement Game, "Meadows".

VARIANCE:

It was voted to authorize the Building Commissioner to issue a permit to Joseph Tosti for the construction of a storage shed at 32 Neville Rd. with a 2' side yard.

TRAFFIC REGULATIONS:

On the recommendation of the Safety Officer, it was unanimously voted to authorize the installation of stop signs at the intersection of Tally Ho Lane at Fox Hill Road. The Town Engineer will be requested to proceed with the required engineering studies for state approval.

SPANISH COMMUNITY CENTER - BEANO LICENSE:

Approved - with the concurrence of the Building Official - a beano license to the Spanish Community Center, 82 Irving Street. A condition restricting the inhabitants to 100 will be imposed.

HEARING - DOG COMPLAINT (ADJOURNED):

Adjourned from last week, a public hearing was held at 7:30 P.M., in Room 21, Memorial Building, pursuant to Massachusetts General Law, Chapter 140, Section 157, "Vicious or Barking Dogs", on the complaint of Irene Adams and others, to determine whether a dog reported to be owned by Mr. and Mrs. Joseph Alpert is a nuisance by reason of vicious disposition or other disturbance. Present were Dog Officer Paul Gosselin, a number of residents in the area, including the parents of three children bitten by the dog, and Mrs. Adams (complainant) who was also bitten by the dog. All persons testifying were sworn in by Town Counsel. A petition was presented by Mrs. Adams containing signatures of 14 area residents complaining that a German Police Dog called "Sunday", owned by Mr. and Mrs. Alpert has bitten at least 4 people, and is a threat in the neighborhood. A report was read by Officer Gosselin and he cited the number of complaints he has received concerning the dog. He noted that he had spoken to the Alperts after each complaint and suggested that he muzzle the dog. Mr. Alpert told the Board they were never requested to muzzle the dog. He said he assumed full responsibility for three of the incidents, noting that he had been careless in the past in connection with confining the dog. He assured the Board the dog would be restrained from now on, and he would be willing to cooperate and would abide by any conditions imposed.

The residents present corroborated the complaints, noting the owner who has been made aware of their concerns on numerous occasions, has chosen to disregard their complaints. A suggestion to muzzle the dog was ruled out because both Selectman Ablondi and the Dog Officer indicated it was not a good practice since it would prevent the dog from defending himself and would cause frustration. Another suggestion to fence the property was opposed by Mr. Alpert because he said he could not afford it. Responding to a request from Peter Ablondi, Town Counsel reviewed the relevant section of the laws pertaining to dogs. Many of the residents said they did not want to see Mr. Alpert get rid of the dog, but insisted on protection against the animal who was dangerous. They testified they were terrorized by the dog and said they were afraid to sit out on their lawns or cut the grass. They expressed a great deal of concern for the children in the area, commenting they could conceivably be killed by this dog.

Reports of three of the incidents involving three young children who were bitten while the dog was running loose were cited. The fourth incident, involving Mrs. Irene Adams - next door neighbor of the Alperts - resulted when the dog, who was tied up, lunged at her and bit her while she was on her own property. Mrs. Adams said she had no use of her backyard because often times the dog is inadequately secured, and it was unfair to live under those conditions. She said the dog is a menace and is terrorizing the neighborhood. Mr. Alpert again confirmed that he accepted full responsibility for the dog. He said he didn't think there would be any harm if he were allowed to be free. He told the Board that since the incidents he has kept the dog chained and he would comply with his neighbors wishes. Lengthy discussion followed. Mr. Alpert said he would give his complete cooperation. John DelPrete said he was a lover of dogs, but he was also a lover of people and felt the dog should go to a farm. Mrs. Adams stressed the urgency of the situation and said she wanted the dog destroyed. John King said in fairness to the Alperts, he felt he should be given one

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

May 10, 1976

(2)

DOG COMPLAINT (CONT'D.):

more opportunity to prove himself. He noted that Mr. Alpert agreed to provide a heavier chain and move the dog to the other side of the property. Peter Ablondi said he was still very much concerned, however, he did not favor the destruction of any animal. He agreed to go along with Mr. King's suggestion. John DelPrete disagreed, commenting that although he was in sympathy with the owners of the dog, he felt sending the dog to a farm would be the best for both the dog and the neighbors. The matter was taken under advisement. In the interim, Mr. Alpert was instructed to restrain the dog with heavy duty chain by the next evening, on the opposite side of the house he now restrains it, and not less than 10' from any property line. Peter Ablondi told Mr. Alpert that if the dog ever gets loose again, he's a "dead dog".

Later in the evening, the Board voted 2-1 to require the following:

1. When the dog is outside, the location of restraint near the Adams' property must no longer be used.
2. The dog must be restrained with a heavy chain whenever it is outside, no less than 10' from the property line (The Alperets)
3. Any additional complaint will mandate the use of a muzzle/
4. More than one complaint will require the dog to be removed from the community.

John DelPrete voted in opposition, indicating the dog should be removed to a farm.

STUDENT GOVERNMENT DAY:

Ben Rosenberg and Warren Keiley who, earlier in the day, participated in the Student Government Day activities in the capacity of Executive Administrator and Selectmen, respectively, attended and participated in the regular Selectmen's meeting as well. During their tour as officials in the day's activities, both students reviewed the agenda material which was to be acted on by the Board that evening, and while at the meeting, was asked for their views on the action taken by the Board of Selectmen. They cited their conclusions and how they arrived at them. The students were commended for their interest and participation and were encouraged to continue the program next year. The Board expressed their praise for their refreshing approach, and commented on the success of the program.

CONFERENCE - MARKETPLACE (OPERATING HOURS):

Robert Aron of the Marketplace met with the Board to obtain their permission to open the premises at 50 Worcester Road for the conduct of a Flea Market on Memorial Day, May 31, 1976, to allow his tenants to obtain additional revenue. In connection with same, John Murtagh, Director of Veterans' Benefits, told the Board the Veteran Council had voted to oppose the request in memory of the deceased war veterans. The Board was in agreement with the views of the Veterans Council and, following additional discussion, unanimously voted to deny Mr. Aron's request to remain open.

SCHOOL COMMITTEE - LEGAL FEES (PRAYER):

The Board acknowledged receipt of a letter from the Chairman of the School Committee regarding Attorney Mainini's fees in the defense of a moment of silent meditation or prayer in the schools. In connection with same, John King raised several questions with regard to donations being sought to pay Attorney Mainini's fees. Some concern was raised with regard to possible cost to the Town if not enough private contributions were received to cover services rendered by Attorney Mainini. Town Counsel explained that Attorney Mainini had volunteered his services, and has expressed this in a written communication to the School Committee. The availability of contributed funds will only be authorized up to the maximum bills submitted by Atty. Mainini, and the understanding was that he had volunteered his services but would accept what ever was contributed, or nothing at all, depending on the wishes of the School Committee as full payment. He noted that it was also the School Committee's understanding that no town funds are involved. Mr. Clarke reminded the Board that they had voted last week to delay any official action concerning contributions for legal expenses until all contributions are received and deposited with the Town Treasurer, a bill for services rendered is received and approved by the School Committee, and a specific request for an expenditure is made by the School Committee to the Board of Selectmen. John King commented that before any payment is authorized, an itemized bill will have to be submitted by Attorney Mainini. John DelPrete suggested amending the vote taken last week to include that only the amount received in donations will be paid and nothing beyond that; however, Town Counsel explained that would not be necessary at this time because no funds can be spent without the vote of the Board of Selectmen, and at the time a bill is submitted they could confine their vote to that number of dollars deposited with the Treasurer.

ALL ALCOHOLIC BEVERAGE LIQUOR LICENSE REQUEST (470 WAVERLY STREET):

A request was received from Sandra Kind for an All Alcoholic Beverage Restaurant License at 470 Waverly St. John DelPrete motioned to allow her to submit an application, together with all other pertinent information; i.e. parking plan, etc., for the Board's consideration. John King seconded the motion. He pointed out, however, that she should be advised that if she is successful in obtaining a license she would have to have a lease or purchase agreement for the property involved, together with an approved parking plan. He also requested that a measurement be obtained of the distance from the property involved to the nearest schools and churches. Town Counsel advised the Board that she would first have to obtain a special permit from the Zoning Board of Appeals. It was suggested that a conditional license could be granted pending the ZBA decision, and provided everything else is in order. It was unanimously voted to grant a formal hearing on the request.

AUDITOR'S REPORT:

The final audit report of the Treasurer's Office which was to be released to the public was discussed with Donald Croatti, Town Treasurer/Collector. John King raised several questions with regard to discrepancies in the 046 account, and losses to the town as a result of placing money in no interest bearing accounts. Mr. Croatti informed him that the discrepancy in the 046 account has been reduced considerably and he felt certain would balance eventually, however, it would take time. Peter Ablondi, who was concerned with initial allegations of cash shortages, questioned whether the audit disclosed any actual shortage. Mr. Clarke told him the auditors found no evidence of misappropriation of funds, malpractice or wrong doing, but a great deal of evidence of poor handling and record keeping -- most of which has already been corrected. Following additional review, John King requested that a report be submitted to the Selectmen concerning the "imbalance" of the 046 account, the question of the audit of the trust funds and a comment on the supposed loss of earned interest in the amount of \$600,000. The comment and report is to be prepared by the Town Treasurer and Executive Administrator and submitted at the next Selectmen's meeting. On the motion of John King, it was unanimously voted to release the report to the public and to place copies in the Town libraries and Town Clerk's Office for their perusal.

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

May 10, 1976

(3)

SAXONVILLE FLOOD CONTROL PROJECT:

It was requested that the Selectmen take a position recommending either for or against the acquisition of land and easements for the purpose of constructing the dike in the Saxonville Flood Control Project. An appraisal of all of the properties involved had been obtained indicating damage value of \$54,370. Reference to estimates of total cost to the Town by the Army Corp of Engineers were listed as varying from \$300,000 to \$500,000. Concern was expressed on the part of all of the Selectmen that there was not enough firm information concerning this project to allow them to make a specific decision. A question on the extent of the town's commitment and liability to date was raised by John King. He expressed much concern about the town's contribution to the project because of the number of hidden costs. It was requested that a joint meeting should be scheduled for the next Selectmen's meeting with representatives of the Army Corp of Engineers and all other interested departments, including the Framingham Redevelopment Authority, to obtain as much information as possible so a recommendation could be made to the Special Town Meeting on May 19th.

ASSISTANT DOG OFFICER RESIGNATION:

The Board accepted with regret the resignation of Lawrence D. Bastien as Assistant Dog Officer effective May 22, 1976. The Board's appreciation will be extended to him for his services.

MAIN ST./STATE ST. TRAFFIC AND PARKING:

A letter received from Thomas F. Waters regarding traffic and parking suggestions in the Main St. and State St. areas will be referred to applicable departments for their recommendations.

COMMUNITY CABLEVISION OF FRAMINGHAM, INC. - PROVISIONAL LICENSE:

Permission was granted to Richard E. Manelis, Attorney for Community Cablevision of Framingham, Inc., to reproduce their license

UNITED CHURCH OF CHRIST - DIRECTIONAL SIGNS:

(Tabled Item). Following brief discussion, it was unanimously voted to grant permission to the Massachusetts Conference of The United Church of Christ to erect directional signs at various locations in accordance with the plan submitted, and the new sign by-law, providing there is no cost to the Town.

EQUALIZED VALUATION:

Receipt was noted of a letter from the Board of Assessors advising that as a result of an appeal to the State Tax Commissioners, the new equalized valuation has been redetermined to \$899,700,000, a reduction of \$56,900,000.

CONSERVATION COMMISSION - APPOINTMENT:

On the motion of Peter Ablondi, it was unanimously voted to appoint David A. Robertson as a member of the Conservation Commission, for a term of three years, to expire May 1, 1979. John King had moved to appoint Joseph Lelli, however, when he received no second he made Mr. Robertson's appointment unanimous.

DOG OFFICER APPOINTMENT:

On the motion of John King, it was unanimously voted to appoint Ronald O. Whitney as Dog Officer, effective June 1, 1976, for a term to expire May 1, 1977. He replaces Paul Gosselin, recently resigned.

ASSISTANT DOG OFFICER APPOINTMENT:

On the motion of John King, it was unanimously voted to appoint Kevin J. Murphy as Assistant Dog Officer for a term to expire May 1, 1977. His appointment is contingent upon his availability.

BILLS FOR BOARD'S APPROVAL:

Two bills submitted to the Board for approval (one regarding the Saxonville Flood Control Project and the other regarding the new Incinerator) were questioned by John King. A bill for \$4500. for an opinion of value for the Saxonville Flood Control Project reinforced, Mr. King said, his earlier remarks regarding cost to the Town for this project. He felt all costs to the Town should be known before it is presented to Town Meeting. His concern on the Incinerator bill was the current litigation on this project. He did not feel the Board should authorize payment for a project that has not been accepted by the Town, and he asked that this bill be referred back to the Incinerator Committee for payment. Both bills were held up pending further investigation.

MEETING ADJOURNED AT 10:45 P.M.


John F. DelPrete, Clerk