

**TOWN OF FRAMINGHAM**  
**SELECTMEN'S RECORDS**

\*REGULAR MEETING OF THE BOARD OF SELECTMEN SEPTEMBER 13, 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:

#21 - Sept. 13, 1976 - Bill - \$101,036.91  
#22 - " - Pay Roll - \$1,189,280.53

SPECIAL MALT BEVERAGE AND WINE LICENSE Class of '77 Framingham State College, at Dwight Gym, Sept. 18, 8 to 12 p.m.

COMMON VICTUALER'S LICENSE--Ralph Gogliormella, rear 90 Worcester Rd.

RATIFICATIONS:

St. opening - Frank S. Walker, Jr., 194 Lockland Ave., install water and sewer, Sept. 13 to 18.

Obstruct street - Ned Nobilini & Sons, 24 Union Ave., (Hemenway Bldg.), to put on bird repellent, Sept. 10.

Sidewalk obstruction - Bob Johnson - 45 Hollis St., paint sign, Sept. 13.

HEARINGS:

A public hearing was held at 7:30 p.m. in the Selectmen's Office, Rm. 21, Memorial Building, on the petition of the Boston Edison Co. JO New Eng. Tel. & Tel. Co. for the following permission: Bishop St., westerly side approx. 30' north of Waverly St., one hip guy and anchor. Francis Brown, representing the Tel. Co., and Edward Chisholm, representing the Edison Co., were present in favor. There was no opposition, and it was voted to grant the petition.

A public hearing was held at 7:30 p.m. in the Selectmen's Office, Rm. 21, Memorial Building, on the petition of the Boston Edison Co. JO New Eng. Tel. & Tel. Co. for the following permission: Waverly St., southerly side approx. 27' west of Beaver St., one hip guy and anchor. Francis Brown, representing the Tel. Co., and Edward Chisholm, representing the Edison Co., were present in favor. There was no opposition, and the petition was granted.

A public hearing was held at 7:30 p.m. in the Selectmen's Office, Rm. 21, Memorial Building, on the petition of the new Eng. Tel. & Tel. Co. for the following permission: Salem End Rd., southeasterly side approx. 677' northeast on Badger Rd., extending northeasterly to existing pole 196/58 approx. 25' of buried cable. Francis Brown, representing the Tel. Co., was present in favor. There was no opposition, and it was voted to grant the petition.

VARIANCES:

It was unanimously voted to authorize the Building Official to issue a permit to Carmella Turco for the installation of side stairs leading to the basement at 37 Essex Street, with a 7' side yard.

It was unanimously voted to authorize the Building Official to issue a permit to Raymond Munchmeyer for the installation of a swimming pool at 16 Laverdure Circle, with a 4' rear yard. (See discussion later in the evening).

CONFERENCE - HUMAN RELATIONS - MCAD AGREEMENT:

Human Relations Commission Members, Executive Assistant John K. Gaffney and Chairman Norman Rosenblatt, met with the Board to discuss a Memorandum of Understanding proposed by the Human Relations Commission and the Massachusetts Commission Against Discrimination, and to request the Board's approval of same. The agreement had been examined by Town Counsel prior to the meeting and he confirmed that it was in legal form. Mr. Rosenblatt explained that the agreement attempts to coordinate the MCAD state enforcement power with the local parties to conciliate and mediate cases involving discrimination, and does not bind the town to anything else. He clarified that the Human Relations Commission would have no power to settle discrimination cases, however, could conciliate, advise and refer their recommendations to the MCAD. This would result in quicker and easier decision making. Selectman King asked whether additional staffing and/or cost would be required to implement this agreement. John Gaffney assured him that there would be no additional cost, and no additional staffing would be required. Selectman DelPrete requested confirmation that the Commission would be representing all the people in Framingham and not just minority groups. Mr. Gaffney assured him they did not take the role of advocate either for the plaintiff or defendant. Following additional discussion, and on the motion of John King, it was unanimously agreed to the establishment of the Memorandum of Understanding with the condition that no additional cost and no additional staff will be required for the Human Relations Commission in order to establish this agreement.

LOCAL GROWTH POLICY COMMITTEE:

On the recommendation of the Local Growth Policy Committee, the Board of Selectmen voted unanimously to discontinue the Committee and to express their sincere thanks for their diligent efforts.

CONSERVATION COMMISSION:

The resignation of John H. Peck as a member and Chairman of the Conservation Commission was accepted with regret. The Board's thanks and appreciation will be extended to him for his diligent efforts and contribution to the Town.

HISTORIC DISTRICT STUDY COMMITTEE:

Notification of resignation of Samuel Robinson from the Historic District Study Committee, and a request for his replacement, was received from Chairman Lorna D. Johnson of said Committee. The matter was tabled for one week pending recommendations from the Executive Administrator for Mr. Robinson's replacement.

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\*September 13, 1976\*

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SPECIAL TOWN MEETING REQUEST:

Chairman Peter Ablondi announced that a petition with sufficient registered voters signatures had been received from the Board of Public Works requesting a Special Town Meeting. The purpose of the Town Meeting was to "see if the Town will vote to transfer from the Incinerator Committee to the Commissioners of Public Works the authority to expend available funds, to engage consultants, and to enter contracts for the purpose of developing proposals for modifications of the incinerator plant to meet applicable state regulations". Selectman DelPrete commented that he resented the inuendo that had been used to promote the circulation of these petitions. He had been advised by several Town Meeting Members that the inuendo that the Selectmen felt the Town Meeting Members did not know what they were voting on was utilized in attempting to secure signatures on the petition. He stated that he wanted the facts recorded which caused the Selectmen's decision when the original request for this article was made. He emphasized that the position of the Selectmen was one that there was no possible time for analysis and understanding and the complete evaluation of such a proposal because of the "crash" nature of the request to include it in the original Special Town Meeting. Although the Board felt the Article was questionable, they recognized they had no choice but to call a Special Town Meeting because of the sufficient numbers of registered voters signatures.

Selectman King asked Town Counsel if the Article as submitted was legal and proper. Mr. Bikofsky responded that the Article was legal and in a form which would be proper in a Town Meeting. Selectman King emphasized that this sort of shift of responsibility from an appointed committee would discourage any interested capable citizens from participating in such a committee in the future. He asked Town Counsel if the dismissal of the Incinerator Committee could have a negative effect on any future litigation in connection with the incinerator. Town Counsel Bikofsky replied that it was impossible to predict the effect that such an action might have on a jury or a judge in future litigation but he felt that it certainly would not be beneficial.

Upon questioning from the Board of Selectmen and interested citizens, Town Counsel Bikofsky stated that passage of the article as it was presented would result in a split responsibility for the incinerator. It did not constitute a dismissal of the Incinerator Committee as such but would merely transfer specific responsibilities for continuing the changes to the incinerator and would leave the responsibility for the completion of any litigation and construction in the purview of the Incinerator Committee. When he was questioned on the possibility of expansion of the Article for the purpose of dismissing the Committee, he stated unequivocally that it would be beyond the scope of the Article and could not be accomplished if that was the wish of the Town Meeting. On the motion of John King, the Special Town Meeting was called for October 6, 1976 in view of the fact that a great deal of background and explanation had to be provided before an intelligent decision on such an article could be made by Town Meeting. Also on the motion of John King, it was voted to open the Warrant to include this article, an article submitted by the Incinerator Committee for the appropriation of funds for the purpose of engaging a consultant; and an article for the purpose of conveying land to the MDC in return for the specific easement for construction of a sewer line in the Mt. Wayte area. The Warrant will be closed at the discretion of the Executive Administrator.

LOTTERY PETITION:

An initiative petition to return lottery funds to the communities was presented to the Board by Representative Barbara Gray. Representative Gray explained she was working with HALT (Homeowners Against Lottery Takeover) in their drive to help keep local property taxes down by restoring to cities and towns the money diverted to the state from the lottery's "Numbers Game", and was circulating the petitions wherever possible in order to obtain the required 57,000 signatures by November 22 to force the legislature to consider the matter next year. The Board of Selectmen, strongly opposed to the diversion of lottery income to the state, expressed their support and commended Representative Gray for her efforts.

REAR YARD VARIANCE (MUNCHMEYER):

Opposition was expressed by Yaakov Cohn to the request of Raymond Munchmeyer, 16 Laverdure Circle, for a rear yard variance for the purpose of installing a swimming pool. Mr. Cohn, a rear yard abutter of the Munchmeyers, told the Board he and his wife were opposed because they felt a swimming pool so close to their property line would seriously affect the value of their property for it would give a cluttered overdeveloped appearance to the area, and because a pleasant tree-shaded area would suddenly become open and sunbaked. Mr. and Mrs. Munchmeyer, who were also present, informed the Board they did not feel the installation of a pool would detract in any way from the aesthetic value of the neighborhood, but would enhance the area. Plans were reviewed by the Board. Three other abutters had expressed, in writing, no opposition to the proposal. Chairman Ablondi noted that he had inspected the area that afternoon and he did not feel it would adversely affect the neighborhood. Following additional review, it was unanimously voted to grant the request on the basis that it would not adversely affect the neighborhood. (See Page 1.)

BIG BROTHER/BIG SISTER (BANNER):

Removed from the table - On the recommendation of Safety Officer Sergeant Foley, it was unanimously voted to grant permission to Big Brother-Big Sister to erect a banner across Concord Street in connection with their auction to be held on October 16, 1976.

COMMISSION FOR YOUTH SERVICES:

The Board voted unanimously to appoint John J. Donovan as a member of the Commission for Youth Services for a term to expire May 1, 1977 (Vice Robert Campion).

SELECTMEN'S MEETING DATES:

Unanimously voted to reschedule regular Selectmen's Meetings to be held on October 4 and 11 to October 5 and 12.

COUNCIL ON AGING BUS:

Selectman King directed the Executive Administrator to investigate the feasibility of contracting for bus service for the Council On Aging as opposed to purchasing a bus.

MEETING ADJOURNED AT 9:30 P.M.

  
John F. DelPrete, Clerk