

# TOWN OF FRAMINGHAM

## SELECTMEN'S RECORDS

\*REGULAR MEETING OF THE BOARD OF SELECTMEN OCTOBER 19, 1981\*

The Executive Session of the Board of Selectmen convened at 7:00 P.M. for the purpose of Collective Bargaining.

The regular meeting of the Board of Selectmen was held at 7:30 P.M. Present: John F. DelPrete, Chairman, Claire F. Lavin, Clerk and John F. King.

### WARRANTS:

#59 - October 19, 1981 - Bills \$219,794.39  
#60 - " " " Block Grant \$9,955.47  
#61 - " " " Payroll \$393,939.55  
#62 - " " " Bills \$206,703.33

### AUCTIONEER LICENSE:

Herman M. Hurwitz, 12 Shute Path, Newton Centre, MA, to be an Auctioneer and to hold an Auction thereat, Howard Johnson's Motor Lodge, Worcester Road on October 23, 1981, 7-11 P.M., Oriental Rugs.

### DANCE LICENSE:

Latinamerican Confraternity of Framingham (SMILES), at 26 Concord Street on October 24, 1981, 8 P.M. to 1 A.M.

### SPECIAL MALT BEVERAGES & WINE LICENSES:

Latinamerican Confraternity of Framingham (SMILES), 26 Concord Street, October 24, 1981, 8 P.M. to 1 A.M.  
Framingham United Soccer Booster Club, at Temple Beth Am, October 24, 1981, 8 P.M. to 12 Midnight.  
Framingham State College, at College Center Forum, October 24th & 30th, 1981, 8 P.M. to 12 Midnight.

### PERMIT TO OBSTRUCT STREETS:

Carol Sachs, 3 Angelica Drive, Halloween Parade at intersections of Lanewood at Angelica Dr., Waveney Way at Angelica Dr., Saturday October 31, 1981, 12:30 P.M. to 2:30 P.M.

### RATIFICATIONS:

Commonwealth Gas Co.: 22 Whitney Avenue, 10/22-11/22/81  
59-61 Clinton Street, 10/19-11/19/81

### APPOINTMENTS:

#### Special Police Officer:

Anthony Menard, 15 Longview Road, Framingham, for a term of duration of employment with Lechmere Sales.  
Jack Weddleton, 104 Howe Street, Framingham, for a term of duration of employment with Chateau de Ville.  
Maria Tsongris, 475 So. Broadway, Lawrence, MA., for a term of duration of employment with Stop & Shop and Medi Mart.

### 2:00 A.M. CLOSING - CHATEAU DE VILLE:

Permission was granted to the Chateau de Ville, 220 Worcester Road, Framingham, to remain open until 2:00 A.M. on Saturday, October 24th and on Sunday, November 1, 1981, for special performances.

### SPECIAL ALL ALCOHOLIC BEVERAGES LICENSE - ONE DAY:

26th S & T National Guard, at National Guard Armory, Concord Street, October 24, 1981, 6:30 P.M. to 1:00 A.M.

The meeting was preceded by an Executive Session to discuss collective bargaining strategy with R. Corcoran, the Town legal counsel.

### HEARING - SPECIAL PERMIT - WINDMILL TOWER

The Board held a hearing with Mr. Mark Johnson, representing Northeast Windmills Sales and Service and Mr. A. Sellev concerning their application to erect a 100 foot tower on property at 63 Carter Drive. Mr. Johnson explained that the 100 ft. tower would carry a windmill for generating electric power for the benefit of three of the abutting property owners at that location. The span of the arms of the windmill make the total height 105 feet. It was pointed out that this tower would be but one of many at that location which is one of the highest elevations in Framingham. There was no opposition stated to the erection of such a tower. The Board voted unanimously to grant this special permit in accordance with the provisions of Section IV.F5 of the Zoning By-Law.

### HEARING - LIQUOR VIOLATION - CENTRE LIQUOR AND PROVISION COMPANY

The Board, acting as licensing authority, held a hearing concerning a police report indicating a violation which consisted of a sale of alcoholic beverages to a minor at the location d/b/a Super Liquors Package Store at 939 Worcester Road. Officer Kritzas of the Framingham Police Department submitted his report of the violation which indicated sales to a person under the age of 20. The license holder was represented by Joseph Lank, the manager of record. Mr. Lank agreed to the accuracy of the report submitted by Officer Kritzas. He pointed out that the clerk involved had appeared in the Framingham District Court had been fined according to law by the judge. He further stated that the clerk in question freely admitted an error of omission on her part. He further stated that this clerk was normally very diligent in the checking of identification. It was indicated that this establishment checks a larger percentage of perspective customers ages than most similar businesses because of their proximity to Framingham State College. Mr. Lank stated that normally the clerk would be relieved of their position as a result of this action but he was certain that the fine paid to the court and the excellent record of operation of the clerk make it unnecessary to take such action.

The Board unanimously took the matter under advisement and at a later time in the meeting it was unanimously voted that the license holder would be sent a letter of reprimand and warning concerning any future such occurrence. No action other than the letter of warning was taken because this was the first offense of this type with this business.

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HEARING - LIQUOR VIOLATION - SANDRA K. KIND - 470 WAVERLY ST. d/b/a "THE BUBBLE"

Detective Frank Masiello submitted his report of an investigation into the conduct of a supposedly illegal lottery at this location. He stated that a charge was made at the door upon entrance to the establishment for which a ticket was issued. This \$2.00 charge entitled the holder to 1 drink and participation in a drawing for a prize. This was indicated to be in violation of the law against lottery and operation of a liquor dispensing establishment. Attorney Andrew Rogers, Jr. represented the license holder. He stated that this same charge had been heard in Framingham District Court and a finding of not guilty had been rendered by the court. He indicated that the charge was only imposed as an entertainment fee when live entertainment was available in the lounge. He further stated that the drawing for a normally priced prize was established as an incentive to make a charge for entrance to cover entertainment costs more acceptable to customers. It was stipulated that no entertainment charge listing was posted at the entry way but this was an oversight and had been corrected.

The Board of Selectmen took the matter under advisement until a later time in the meeting. On the motion of Selectman King, it was voted unanimously to send a warning letter to the license holder because this was the first offense at this location.

HEARING - POSSIBLE SUSPENSION OF SECOND HAND ARTICLES LICENSE - MARCELLO MALLEGNI

A hearing was held with the owner of Curio Corner, 215 Worcester Road. Patrolman Michael Hill submitted the police report which indicated that stolen property had been purchased at this location without any record of the purchase being made. Attorney Antonio Matarese, representing Marcello Mallegni stated that Dante Mallegni, the clerk who is alleged to have purchased the stolen property, is scheduled for arraignment in Framingham District Court on several counts including this particular charge. The court date is set at November 13 for one such hearing and several others are pending. Attorney Matarese pointed out that he had to advise his client not to make any statements which could be prejudicial to the pending court cases. He further requested that the actions of Dante Mallegni, who is the son of the license holder not be held against his client in the Board's consideration of possible suspension of the license. Upon questioning by Selectman Lavin, he stated that the business was in the process of being sold to another party. It was expected that the business operated by Mr. Mallegni would continue to operate at that location on the same basis it had in the past despite the fact that the property was being sold because there was no sale of the business itself which was contemplated. The Board of Selectmen took this matter under advisement and at a later time in the meeting, on the motion of Selectman King, it was unanimously voted to take no action for the time being on this possible suspension, pending the outcome of the scheduled court cases.

PROPOSAL FOR RENOVATION OF FRAMINGHAM SOUTH POST OFFICE BUILDING

Dr. Bernard McGowan, a practicing eye surgeon in Framingham, presented a proposal to purchase and renovate the old Post Office building in downtown Framingham for doctor's offices and a clinic. He outlined his discussions with the Framingham Board of Assessors, and the Director of Planning. He stated that in order to make the project a viable proposition, he was seeking a waiver of established parking regulations because of the downtown location. In addition, he stated that the availability of industrial development bonding and some real estate tax relief for a period of 8 years would be mandatory. After outlining his plan, which had the support of a great many people concerned about revitalizing the downtown section of Framingham, he referred to Chapter 121A of the General Laws which is known as the limited dividend development statute. He requested that the possibility of tax relief under this law be investigated and support be given him in this \$1,200,000 proposed project.

The Board of Selectmen unanimously supported the concept which he was attempting to accomplish. They stated, however, that there were many legal ramifications to his proposal and recommended that the Planning Director, Christy Maltas, and Town Counsel be consulted to be certain that all of the legal requirements could be met. Mr. Maltas outlined the steps which had to be taken for any kind of action under Chapter 121A. Dr. McGowan agreed to continue with his work and return to the Selectmen when all of the legal questions could be cleared up.

ONE-DAY BEER AND WINE LICENSES - FRAMINGHAM STATE COLLEGE

Mr. James McLaughlin of Framingham State College made a request for reconsideration of the application for one-day Beer & Wine Licenses on October 24th and October 30th for events being scheduled by the class of 1983. He pointed out that these licenses were for the use in the College Center Forum under supervision of the college authorities. He stated that the requirement for the license was to allow sale for a fundraising event for class projects. Selectman Lavin stated opposition to the granting of any licenses because of the difficulties which had been encountered during the past year with liquor and noise which was extremely objectionable to the neighbors in the area. Two neighbors appeared to state their opposition to issuance of licenses because of the problems caused in the neighborhoods. One neighbor, Mr. Mitchell, suggested that if any licenses were to be granted for such events, adequate police patrols on the streets in the residential area surrounding the College Centre should be a requirement of the issuance to prevent the upset which usually followed the conclusion of such an event. On the motion of Mr. DelPrete, seconded by Mr. King, a vote of 2-1 with Selectman Lavin opposed was taken to issue the licenses for the two dates in question. Mr. DelPrete included the requirement for adequate police coverage outside the event as a stipulation on the issuance of the licenses. He further admonished the College representatives that any objectionable conduct on the part of the students would make it impossible to issue any further one-day licenses.

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At the request of Selectman Lavin, it was agreed on a second from Selectman King, to readvertise the application for an All Alcoholic Beverage License transfer to the Agean Restaurant. It was pointed out by Mr. King that an objection had been lodged from a neighboring church that was within the 500 ft. legal radius. He further stated that until a pending Federal Supreme Court hearing could be heard on the appeal of the overturn of the State Law on this regard, no licenses could be issued. However, he did agree that the advertising procedure could be undertaken and a new hearing could be held.

The Board accepted, with regret, the resignation of Officer David B. Whitney from the Framingham Police force. It was voted to send a letter of thanks for the services rendered by Officer Whitney.

A letter from Town Counsel dated October 13, 1981 outlining the current legal status of licenses within a 500 ft. radius of schools or churches was noted. It was further stated that the State Alcoholic Beverage Control Commission had advised the licensing authority that no licenses under such a question would be approved by them until the final appeal to the Federal Supreme Court had either been rejected or heard.

The First Parish Unitarian Church at 24 Vernon St. contributed a total collection of \$178.00 to the Town of Framingham in lieu of taxes. This is a voluntary action taken by the parishioners of the Church in recognition of the severe limitations imposed by Proposition 2½ and the amount of service provided to the Church on a tax-free basis.

Notification of new maximum levels for All Alcoholic and Beer & Wine Licenses was noted by Selectman Lavin. She requested that the Board seriously consider increasing such license fees starting in 1982.

APPOINTMENT OF REGISTRAR OF VOTERS

A letter was received from the secretary of the Framingham Democratic Town Committee indicating that a majority vote of the Town Committee had been taken to forward the name of Anna D. Barbieri for consideration as a Registrar of Voters. As a result, on the motion of Selectman King, seconded by Selectman DelPrete and opposed by Selectman Lavin, Anna D. Barbieri was appointed Registrar of Voters.

The name of Karolyne U. White of 4 Ashmont Drive, Framingham was proposed by the Office of Volunteers for appointment to the SMOC Board of Directors as representative of the Board of Selectmen. Another such application was received several weeks ago and it was requested that each of the applications be resubmitted for consideration by the Board.

A petition from interested Framingham residents was received recommending that the Bookmobile be put back into service as a substitute for the operation of the Centre Library. It was agreed that a copy of this petition would be forwarded to the Library Trustees.


The Board noted receipt on 2 notifications of hearings by the Department of Public Utilities concerning financing arrangements for Boston Edison Company.

The Board noted receipt of a notification and invitation to attend a performance by Project DEPTH which was submitted by the Youth Coordinator.

TOWING AUTHORIZATION - FRAMINGHAM STATE COLLEGE CAMPUS POLICE

Lt. Robert Foley requested that the Board authorize Framingham State College police to tow vehicles found in violation of parking regulations and posted tow zones in the area of Framingham State College. With the stipulation that exactly the same regulations and towing contractor listed for towing in the balance of the Town be used, the authorization was approved by 3-0 vote.

The meeting was adjourned at 9:55 P.M. on a unanimous vote.

  
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CLAIRE F. LAVIN, CLERK