

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

\*REGULAR MEETING OF THE BOARD OF SELECTMEN JANUARY 25, 1982\*

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

WARRANTS:

#120 - January 25, 1982 - Bills \$508,218.25  
#122 - " " " Block Grant \$6,934.03  
#123 - " " " Payroll \$425,454.89  
#124 - " " " Bills \$1,22,181.70

AMUSEMENT LICENSE:

Putt-Putt Miniature Golf Course (James McGonigle, Jr.), One Worcester Rd., weekdays 1982, 9 A.M.-12 Midnight.

AUCTIONEER LICENSES:

Geoffrey Blumberg & Embassy Auctioneers, Inc., 19410 Business Center Dr., Northridge, California, To be an Auctioneer and to hold an Auction thereat, Holiday Inn, 30 Worcester Rd., Oriental rugs, March 12, 1982. Benjamin Sandler, 27 Bantry Road, Auctioneer for one year.  
Shlomo Yacoby & Embassy Auctioneers, Inc., 19410 Business Center Dr., Northridge, California, To be an Auctioneer and to hold an Auction thereat, Holiday Inn, 30 Worcester Road, Oriental Rugs, March 25, 1982.

BUILDING REMOVAL PERMIT:

O. B. Hill Motor Transportation Co., to move Boilers from Con-Rail, Pearl Street Yard to Natick Town Line on January 28, 1982.

COMMON VICTUALER LICENSE:

Aegean Restaurant Inc., 47 Beacon Street

DANCE LICENSE:

South Middlesex Latin Emergency Services, Inc., 26 Concord Street, February 13, 1982, 8 P.M.-1 A.M.

SPECIAL ALL ALCOHOLIC BEVERAGE LICENSE:

St. Tarcisius Parish, 560 Waverly Street, January 30, 1982, 8 P.M.-1 A.M.

SPECIAL MALT BEVERAGES & WINE LICENSES:

Framingham State College, College Center, January 29, 1982, 7 P.M. - 12 Midnight  
South Middlesex Latin Emergency Services, Inc., 26 Concord Street, February 13, 1982, 8 P.M. to 1 A.M.

The meeting was called to order at 7:30 P.M.

EDISON COMPANY PETITION - PLEASANT STREET

A petition was heard for the installation of 30 feet of conduit on Pleasant St. After the presentation was made by the representative of the Edison Company, the installation was approved by a vote of 2-0. Selectman King abstained from participation in the hearing.

BETHANY HOSPITAL - APPLICATION FOR ADDITIONAL FUEL OIL STORAGE

A representative of Bethany Hospital appeared concerning an application which had been approved in advance on an emergency basis for the installation of 10,000 gallons of additional #4 fuel oil. In view of the fact that this was a hospital and an emergency situation for heating in maintaining the operation, the Board of Selectmen had given an advanced approval to make it possible for the installation prior to the onset of weather which would prohibit it.

The hearing was for the purpose of confirming the action taken. Approval by the Fire Department upon inspection was noted in the record. The vote for approval of the application was 3-0.

CONFERENCE - USE OF LINCOLN SCHOOL

Conference was held with representatives of the Planning Department and Minot, DeBlois and Maddison. R. Bonz, representing the consultant, outlined the basic recommendations for the best use of the Lincoln School property that were contained in a review and analysis submitted to the Board of Selectmen. The very complete analysis included consideration of the possibility of development as regular residential condominiums as well as development for medical offices and regular office space. The economic evaluation indicated that any consideration of a lease arrangement for the property with a developer would be extremely difficult, if not impossible and the result was a recommendation to consider outright sale. It was felt that development for regular residential condominiums was not economically practical. It was further stated that development as normal office space was a rather marginal approach. The net of the evaluation was a recommendation that the possibility of development as medical office suites either by agreement with the hospital which is contiguous or a private developer should be the primary approach taken. In the case of development by a private enterprise, it was indicated that this could have some impact on the proposal for development of similar office suites contiguous to the hospital. If the property is sold to a private developer for this purpose, it would put the value on the tax roles as well as providing a cash payment and full fair market value. It was therefore recommended that any consideration of sale to the Framingham Union Hospital should include not only full fair market value, but an agreement for payment in lieu of taxes for the value of the property.

Representatives of Framingham Union Hospital responded to the analysis by commenting that they were willing to pay full fair market value for the property but there was a question on any agreement for payment in lieu of taxes. They stated that it would be their intent to utilize the property for location of the Framingham Heart Study Clinic, the Day Hospital and Executive Offices.

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It was noted that any consideration of disposition would be based on a review by the Real Property Committee and recommendations to the Board of Selectmen with final action being taken by the Town Meeting for authorization of any proposal made. In response to a request from a resident of Evergreen Street, it was agreed that there would be proper publication of any hearings to be held by the Real Property Committee.

The Real Property Committee and Board of Selectmen accepted the analysis report and took it under advisement for future consideration in deliberations of the Real Property Committee and the Board.

APPLICATION - ALL ALCOHOLIC BEVERAGE - FRAMINGHAM CHINA CORPORATION

Framingham China Corporation d/b/a Peking Garden West reviewed their formal application for a license to sell all alcoholic beverages as a Common Victualer at 341 Cochituate Road. The corporation was represented by Attorney Paul Galvani and Mr. David Chan, P.C. Wong and Chester Chee. A description of the proposed operation was entered by Mr. Galvani with all of the required abutters notices and proper application forms including copies of menus and engineering drawings of the structure. After a description was completed, members of the Board of Selectmen asked several specific questions. In response to these questions, it was stated that there would be no entertainment in the lounge area of the restaurant. It was further stated that there would be some takeout food availability and that the expected hours of operation would be 11:00 A.M. to the normal closing hours of other liquor establishments. He further stated that the usual close of business would be approximately 11:30 P.M.

By unanimous vote, the Board agreed to award the license as requested.

INTERVIEWS - VACANCY - SMOC BOARD OF DIRECTORS

Two interviews were scheduled for applicants to represent the Board of Selectmen on the Board of Directors of SMOC. Ms. Karolyne White did not appear for the interview as scheduled for the second week in succession. Mr. Francis Kingston appeared on schedule for his interview and after several questions from the Board, it was agreed that he would be designated as the representative of the Chairman of the Board of Selectmen for the balance of this term with the possibility of reappointment on an annual basis beginning May 1, 1982.

In response to a letter from the School Committee requesting permission to exceed the 5,000 limitation for legal services as listed under Chapter 71, Section 37b, the Board voted unanimously to authorize the expenditure with the understanding that no additional funds would be required to cover it.

Dennison Manufacturing Company requested permission for a waiver of parking regulations on the perimeter of Framingham Center Common during their annual meeting which is scheduled for April 28 from 8:00 A.M. to Noon in the Village Hall. The Board voted unanimously to grant the request and notify the Police Department of the waiver of parking regulations for that period.

A letter was received from Attorney Keiley requesting a hearing concerning Patrolman Kenneth Pond. It was agreed that the hearing will be established for February 1st during the regular Selectmen's meeting.

The Board noted receipt of the following correspondence:

Letter from Safety Officer re: signs and lighting on John J. Brady Drive.  
Fire Department Overtime Report for the prior week.  
Letter concerning energy consumption schedules from H. Bernstein.  
Invitation to participate in the annual installation at the Eagles Hall.

Copies of the regulations for ballot questions to override the impact of Proposition 2½ were reviewed. By unanimous agreement, the Board determined that they would not include such questions in an upcoming election unless there was a specific request from an interested group with sufficient information to warrant such an inclusion.

Upon the recommendation of the Executive Administrator, the Board voted to schedule the Selectmen's meeting for February 16, 1982 because February 15, 1982 is a scheduled holiday in which the building will be closed. It was also agreed that a public hearing on street acceptances to be proposed at the Annual Town Meeting would be scheduled on February 16.

Representatives of Masspirg requested that the Board review the ruling concerning canvassing by the organization. Attorney David Fine, represented Masspirg. The Board restated their position that they did not wish to authorize solitation on a door-to-door basis after darkness in the Town of Framingham. They considered this an imposition and a dangerous proposition for the Town's residents. Many statements of objection had been received in the office concerning after dark solitation. Attorney Fine referred to a court ruling requiring the authorization for door-to-door canvassing for Mass. Fair Share in 1977. He further stated that since there was no existing regulation in a Town By-Law and the court ruling existed concerning canvassing as it applied to Mass. Fair Share, Masspirg felt they had a right to canvass as they chose and were not even required to seek permission from the Board of Selectmen.

Each of the Selectmen asked why they were even contacting the Board if they took the position that no approval was required. Selectman King further questioned Attorney Fine on whether or not it was illegal to trespass on private property. Attorney Fine declined to answer that question. In summation, the Board unanimously stated that they would not accept or authorize solitation on a door-to-door basis in Framingham after the hours of darkness.

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OPINION OF VALUE - FRAMINGHAM CENTRE LIBRARY

The formal opinion of the value which was requested on the Framingham Centre Library was submitted to the Board for their review. A very complete evaluation was accepted and a request for information concerning the availability of the property was posed. A member of the Board of Library Trustees who attended the meeting stated that it was expected that the building would be completely cleared of Library property no later than April 1st and that any surplus property would be disposed of in the prescribed manner through the Purchasing Agent's office. It was further indicated that the State Board of Libraries apparently had stated an interest in the building on a lease basis. Chairman Guerrieri of the Real Property Committee confirmed this fact and requested that a Zoning Article to change the zoning applying to the area be considered for the Annual Town Meeting.

APPRAISALS - EASEMENT REQUIREMENTS - BAITING BROOK FLOOD CONTROL

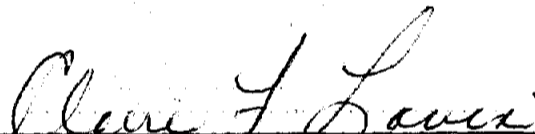
An appraisal submitted by Wallace Goodnow indicated that the easements required for culvert work in connection with the Baiting Brook Flood Control Project could be one of two levels of value. If the Flood Control Flood Plan By-Law change is accepted by the Special Town Meeting, the estimated cost of easements is \$3,000. If the Flood Control Zoning By-Law change is not accepted, the easement value could be as much as \$15,000.

On request from John Friel, Chairman of the Democratic Town Committee, it was agreed unanimously by the Board that upper Nevins Hall would be made available on February 6 for a meeting of that committee at a rate of \$25.00 per hour plus the cost for janitors fees.

DIRECTOR OF VETERANS BENEFITS - APPOINTMENT

Selectman Lavin requested a ruling from Town Counsel concerning the Board's right to make a temporary acting appointment to the position of Director of Veterans Benefits. The Town Counsel's ruling was that the Personnel By-Law requires Personnel Board approval of any appointment either permanent or temporary. Selectman Lavin requested that the Board members support her in a request to the Personnel Board for authorization to appoint James Gavin in this capacity. After a discussion of the concern over the validity of the job specifications and qualifications, Selectman King moved that Selectman Lavin's request be accepted and authorization be sought from the Personnel Board. The motion was seconded by Selectman Lavin and voted unanimously.

The meeting was adjourned at approximately 10:30 P.M.

  
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CLAIRE F. LAVIN, CLERK