

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN AUGUST 9, 1982

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

WARRANTS:

#20 - August 9, 1982 - Bills \$179,646.03
#21 - " " " - Drawdown \$32,461.66
#22 - " " " - Bills \$119,035.91
#23 - " " " - Payroll \$384,081.64

COMMON VICTUALER LICENSE:

Umberto Sostilio d/b/a Cherlyn's - 12 Union Avenue

DANCE LICENSE:

Spanish Basketball Association - 26 Concord Street (Sharpshooter's) - August 14, 1982, 9:00 P.M. to 1:00 A.M.

SPECIAL BEER & WINE LICENSE:

Spanish Basketball Association - 26 Concord Street - August 14, 1982, 9:00 P.M. to 1:00 A.M.

SUNDAY ENTERTAINMENT LICENSE:

A & C Associates, Inc., 50 Worcester Road, 12 Pool Tables, 1 Billiard - 8-22-82 to 8-14-83

RATIFICATIONS:

Permit to open, occupy & obstruct street:

Commonwealth Gas Company, 14 Wilson Street and 15 Bishop Street - 8-2-82 - 8-30-82
Commonwealth Gas Company, 399 Belknap Road - 7-30-82 - 8-30-82
Commonwealth Gas Company, 29 State Street - 8-5-82 - 9-2-82
Commonwealth Gas Company, 309 Water Street - 8-4-82 - 9-2-82
Silva Construction Company, 60 Speen Street - 8-5-82 - 8-6-82

APPOINTMENTS:

Registrar of Voters: George Sawyer, 4 Hampshire Rd., Framingham to a term representing the Republican Party. The term of office is three years to expire on May 1, 1985.

HEARINGS:

Boston Edison Company Petition:

Ed Kelley of the Boston Edison Company was present to petition the following permit from the Board:
Columbia Street, northwesterly, approximately 116 feet northeast of Irving Street, a distance of about 28 feet - Conduit.

Hearing no opposition, John F. DelPrete made the motion to grant said permit. Claire F. Lavin seconded the motion. As usual John F. King abstained so as to prevent any question of possible conflict of interest.

New England Telephone Company Petition:

Francis Brown of the New England Telephone Company was present to petition the following permit from the Board:
Waverly Court, on the easterly side beginning at the intersection of Waverly Street and running southerly, approximately 67 feet of conduit and one (1) manhole location also, one (1) conduit road crossing.

Hearing no opposition, John F. DelPrete made the motion to grant said permit. Claire F. Lavin seconded the motion. As usual John F. King abstained so as to prevent any question of possible conflict of interest.

PROCLAMATION - CLEAN-A THON DAY

The Selectmen presented a Proclamation designating August 14 as Clean-A-Thon Day in Framingham at the request of Mr. Jonathan Geer of the Save the Bottle Bill Committee.

CONFERENCE - MASS. DPW REPRESENTATIVE - ROUTE 30 PROGRESS

Mr. Sumner Hoffman of the Urban Systems Unit of the Mass. Dept. of Public Works was accompanied by a consultant from Storch Engineering to update the Board of Selectmen concerning progress in design and construction plans for rebuilding of Route 30. He stated that 75% design plans were ready for submission and subject to approval by federal officials for the section from the Mass. Turnpike entrance to approximately the westerly side of the U.S. Post Office. The balance of the proposed modifications from that point at the U.S. Post Office to the intersection of Route 30 and Route 126 was at an approximate 25% design completion state. He stated that it was expected to bid and construct the entire project in two phases with the early, almost complete phase first. Some land diggings and further work would have to be completed before construction could start in the first section. Assuming that federal funding would be available after October of 1982, it was stated that the very earliest possibility for the beginning of construction in the first phase would be the summer of 1983 and it could very possibly carry over into the early part of the construction season of 1984. The remainder of the project would be somewhat after this.

After a very detailed description accompanied by large engineering drawings, and response to some questions from the audience, the Board of Selectmen thanked Mr. Hoffman and Mr. Rook for their very complete explanation and asked them to take every possible step to expedite the completion of the project.

CONFERENCE - RE: RETAIL BEER & WINE LICENSE - UNION AVENUE MARKET

Attorney Victor Galvani, representing the proprietors of Union Avenue Mini-Mart requested that the Board authorize his client to enter a formal application for a Beer & Wine Package Sale License in the convenience mart they operated on Union Avenue. After explaining that the original submission had apparently been put in the same category as several chain convenience stores and that the market operated by his client was one of two privately operated small stores which had not been granted Beer & Wine Licenses, the Board of Selectmen voted unanimously to accept an application and Attorney Galvani agreed to submit it on a formal basis.

**TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS**

AUGUST 9, 1982

(2)

BATES ROAD SEWER PROBLEM

The Board reviewed two letters from the Chairman of the Department of Public Works explaining the steps which had been taken by his Department to alleviate the sewer problem which exists in the Bates Road area. It was emphasized that it was not a simple problem and had been existent for many years. It was agreed that the Department of Public Works would pursue every possibility for alleviating the situation as soon as possible.

RESIGNATION - ASSISTANT DOG OFFICER

Ellen Pellistri, Assistant Dog Officer, submitted her resignation effective September 30, 1982. It is expected that Ms. Pellistri will return to school for further education. The Board accepted the resignation with regret.

REQUEST FOR LEGAL SERVICES - TWO POLICE OFFICERS

Officer Donald Spaulding and Lt. William George requested the Board's authorization to retain the services of Attorney Neil Rossman in a civil action pending against them. The Board voted unanimously to notify the officers that legal service would be provided through the Town Counsel's office but if they choose to use another attorney of their choice, the Town would not be responsible for the cost.

MARLBORO LABOR DAY PARADE

The Board reviewed a letter requesting Framingham's participation in the celebration of a Labor Day parade on Monday, September 6, 1982 in the City of Marlboro. It was recommended that this invitation be forwarded to Veterans' Agent, James Gavin to determine if the units representing Framingham could be set up for participation.

TRAFFIC HAZARD REPORT

After reviewing a traffic hazard report from Patrolman William Carey, the Board requested that copies be forwarded to Safety Officer, Robert Foley and Public Works Director, James Hanscom.

MT. WAYTE HOUSING PROPOSAL

Upon review of a memo submitted by Christy Maltas of the Planning Department concerning a proposal for Mt. Wayte Housing, the Board voted to table it until August 23 when they could discuss it personally with Mr. Maltas.

The Board noted receipt of the following correspondence:

1. Notification of a suit filed vs. the Zoning Board of Appeals by the Sculos Family Trust.
2. Fire Department Overtime Report for the week ending July 31, 1982
3. Notification from the Department of Revenue of the free cash position effective July 1, 1982.
4. Notification of a grant to the Public Works Board for maintenance of highways totalling \$43,190.
5. Letter of concern from Edith C. Wagstrom about a Block Party held on August 1, 1982.

At the request of Selectman Claire Lavin, it was reported that 1,299 abatement applications had been processed as of August 6, 1982 by the Board of Assessors.

DISCUSSION - TOWN COUNSEL

Town Counsel, Aaron Bikofsky, outlined the results of a suit brought by a resident, Philip Dinsky, which alleged that the Town of Framingham was responsible for a water damage in his residence based on the building permit which had been issued by the Building Official. He pointed out that the Supreme Court review and finding in favor of the Town established a first-time precedent indicating that the issuance of a building permit did not indemnify the owner of the property and hold the Town liable for any faults after the issuance of the permit. This is considered a landmark case and will probably be used as a first in the State of Massachusetts. The Board requested Town Counsel and the Executive Administrator's commentary concerning the proposal to enter into a management study of the Assessor's office with Coopers & Lybrand Co. There was a question posed concerning the requirement for bidding of such a contract as well as a question concerning the establishment of specifications and authorization for funding. It was agreed that the procedure would be suspended until these questions could be fairly discussed and answered by consultation among the Purchasing Agent, the Town Counsel, a representative of the Board of Selectmen and a representative of the Finance Committee as well as a representative of the Board of Assessors.

SPECIAL TOWN MEETING - OCTOBER 5, 1982

After a lengthy discussion concerning procedural methods to be used in handling warrant articles concerning the disposition of the Lincoln Street School, the Board of Selectmen voted unanimously to open the warrant for a Special Town Meeting on October 5, 1982. The warrant was declared open and any articles which qualified as being of an emergency nature or dealing with the Lincoln School property disposition were agreed to be included.

**TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS**

AUGUST 9, 1982

(3)

The exact procedure to be followed during the Town Meeting will have to be established prior to the actual meeting itself. The fact that the article submitted by and on behalf of the Framingham Union Hospital contains sufficient signatures, under the law, mandates that it be included exactly as submitted. This will probably mean that any similar articles from other proposed developers will have to be separate, but it was agreed that all articles dealing with the disposition of the Lincoln School property would be discussed at the same time even though they would have to be voted on separately by the Town Meeting.

The Board agreed unanimously that the Planning Department should continue to pursue the possibilities of developing access roads from Arlington Street to the industrial area immediately adjacent.

The meeting was adjourned at approximately 9:40 P.M.

Claire F. Lavin

CLAIRE F. LAVIN, CLERK