

TOWN OF FRAMINGHAM

SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN AUGUST 23, 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. Also present, Town Counsel, Aaron Bikofsky.

WARRANTS:

#28A - August 28, 1982 - Bills \$257,494.05
#29 - " " " Block Grant #12,140.94
#30 - " " " Bills \$111,593.84
#31 - " " " Payroll \$369,399.82

AUCTIONEER LICENSE:

Carl Stinson of 293 Haverhill St., Reading, MA 01867, to be an Auctioneer and to conduct an Auction thereat, Holiday Inn, Worcester Road, September 26, 1982, Preview: 12 PM to 1 PM, Sale: 1 PM, Sebastian Miniatures.

AMUSEMENT LICENSE:

Luk, Inc. d/b/a Chen's, 1656 Worcester Road, weekdays 1982, 11 A.M. to 12 Midnight, Guitar, piano, TV, Stereo.

COMMON VISTUALER'S LICENSE:

Makkas Pizza, Inc. 400 Cochituate Road

COIN OPERATED MACHINE LICENSES:

Timothy Murphy d/b/a Carlo's Market, 732 Waverly Street, two machines
Gasbarro, Inc., 85 Hollis Street, one machine
Edno, Inc. d/b/a Donut Time, 770 Worcester Road, 1 machine

SPECIAL MALT BEVERAGES & WINE LICENSE:

Victoria Station Restaurant, Rt. 30 Cochituate Rd., Caldor Road Parking lot, September 12, 1982, 12 Noon to 6 P.M., Fund Raiser for Framingham Union Hospital.

RATIFICATIONS:

Permit to open, occupy & obstruct street:

Richard Silva, 59 Beaver Street, 8/19-8/21/82

A. Vozella & Sons, Inc., Clafin House on Taylor Street, 8/23-8/27/82

Commonwealth Gas Co.: Union Ave., Arch St. & Franklin Street, 8/5-9/6/82

Dinsmore Ave. and Intersection at Worcester Road, 8/23-9/23/82

4 Lake Ave., 8/30-9/30/82

11 Summer Lane, 8/26-9/26/82

Permit to obstruct sidewalk: Gary Orlando, 180 Irving Street, 8/20-11/20/82, renovation

APPOINTMENTS:

SPECIAL POLICE OFFICER - Joseph V. MacCarthy, 110 Old Connecticut Path, Framingham, for a term of one year.

MOTOR VEHICLE LICENSE:

Class II - Exotic Autos International Inc., 546 Worcester Road

HEARING - CENTRE AUTO SALES

Attorney George McCarthy, representing Mr. George Vrusho and Detective Thomas English of the Framingham Police Department participated in the hearing concerning a license for sale of used cars. Detective English presented his report on the matter indicating that Mr. Paul Vrusho had signed his father's name incorrectly through the applications for license to sell motor vehicles at Centre Auto Sales. He stated that this information was learned during an investigation being conducted by the Framingham Police Department on activities by Mr. Vrusho. He requested that the Board of Selectmen revoke the license because it was improperly obtained.

Attorney McCarthy stated that Mr. George Vrusho had executed a power of attorney on behalf of his son, Paul and that the use of his name in the applications was, therefore proper. He further stated that the entire investment in the business had been from the life savings of Mr. Vrusho and it would be a severe hardship to him and his wife if the license were to be suspended or revoked. Mr. George Vrusho stated that the testimony submitted by Detective English was incorrect when Detective English told the Board that Mr. Vrusho had denied any knowledge or signatures in regard to the transactions on Centre Auto Sales. He stated that he told the detectives this because he was angry with the persistent questioning of members of his family. At the conclusion of the hearing, the Board of Selectmen voted unanimously to take the matter under advisement and leave it tabled until the investigation was completed on the part of the Framingham Police Department.

GRIEVANCE HEARING - FIREFIGHTER WILLIAM A. BERNARDI

Lt. William A. Bernardi, Firefighter Mike Otenti, Fire Chief John Hancock and Attorney Rogers, representing the firefighter appeared in a grievance hearing. Atty. Rogers and the two firefighters outlined the sequence of events leading up to a letter of reprimand being included in the personnel file of Lt. Bernardi. Their contention was that in a grievance under the Article I, Section 2 (Management Rights section) of the current labor agreement, the Chief had exceeded the rights and power listed.

A detailed chronology of events starting on May 18, 1982, in culminating with a meeting with the Chief on June 2, 1982, indicated that Lt. Bernardi had followed procedures as he was advised to under the terms of the rules and orders of the Fire Department which stated that any allegations of misconduct should be verified with proof before proceeding. He further stated that he felt he had followed the procedures properly and as a result, the letter of reprimand was unwarranted in his personnel record. Chief Hancock stated several reasons for the letter of reprimand standing and agreed that Lt. Bernardi had an outstanding record as a firefighter and that the letter of reprimand was in connection with the total incident only. He stated that the letter of reprimand was because Lt. Bernardi had delayed in reporting the details of the incident to the Chief in a timely fashion.

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At the conclusion of the presentation of facts, the Board of Selectmen voted to request an extension for the time required for a decision to allow them to receive advice from the labor attorney who had been involved in the establishment of the contract procedures. The matter was taken under advisement until the meeting of September 7, 1982 at which time advice from Alan Miller, the labor attorney could be made available.

HEARING - TRANSFER OF OWNERSHIP OF ALL ALCOHOLIC RESTAURANT LICENSE

A hearing was held concerning the application to transfer an all alcoholic restaurant license from P. R. Ottaviani and L. J. Orcianelli to LUK, Inc. d/b/a Chen's, 1656 Worcester Rd. Atty. Thomas Wong, representing the corporation, applied for a transfer of the license presently held for the operation of a restaurant named Fillippo's at 1656 Worcester Road to LUK, Inc. Upon questioning from the Board, it was stated that a chinese restaurant would be opened at the location which is currently closed and that the only entertainment would be a guitarist or pianist with no dancing or show entertainment. It is expected that the hours would be from 11:00 A.M. to 1:00 A.M. on the same basis as the current operation. After a description of the proposed operation and the background and experience of the new owners, the Board of Selectmen voted unanimously to transfer the license as requested.

CONFERENCE - MT. WAYTE HOUSING PROPOSAL

Planning Director, Christy Maltas, met with the Board to outline the proposal for construction of four housing units in the Mt. Wayte area on land owned by the Town of Framingham. He stated that the objective of the proposal was to utilize town-owned land to provide housing at a reasonable price level through cooperation with the government land bank, the Massachusetts Housing Finance Authority and the lending institution. The Town would participate by donation of the land in four locations which was currently not taxable property. The government land bank, upon receipt of the land would arrange for bulk purchase of construction homes and arrange low interest loan availability under the Mass. Housing Finance Authority. Four single family houses would be built with a market value between \$60 and \$75,000. The selection process would be by the lot for qualified buyers with preference being given to Mt. Wayte resident families and people who were not property owners for at least a period of 3 years prior to the time of application. The income level required to maintain the mortgage which would be granted at a favorably rate would be a maximum of \$30,000 for a family of four.

The Board of Selectmen asked many questions concerning the detail of the proposal and agreed to include the necessary articles in the upcoming Special Town Meeting to allow the proposal to go forward.

UPDATE - ASSESSORS ABATEMENT PROCEDURES

Chairman Thomas Ball of the Board of Assessors discussed the current level of accomplishment in the Assessors Office on abatement applications. He stated that approximately 80% of all abatement applications had been completed, that the remaining balance was primary commercial, industrial and large apartment complexes. He stated that of those processed, approximately 40% had been denied and the remainder had had some adjustments made. Upon questioning by the Board of Selectmen, he stated that it appeared that the Board of Assessors would be in a position to establish a tax rate and be prepared to mail out the upcoming tax bills by October 1st as requested to prevent a requirement for unnecessary borrowing.

SUBURBAN BUS LINES - COMPLAINT OF IMPROPER LICENSING

A letter was received from D. W. Stephan of Suburban Lines, complaining that Carrol Bus of Chestnut Hill is operating in violation of Chapter 159A, Section I. He stated that this bus company is utilizing two stops in Framingham without proper authorization from either the MBTA or the Department of Public Utilities. The Board voted unanimously to contact Carrol Bus Lines and request an explanation of the situation.

REQUEST FOR NO PARKING - TOW ZONE - HOLMES TRANSPORTATION

A letter was received from Holmes Transportation requesting that a no parking - tow zone designation be put on the southern half of Burr Street. The Holmes Transportation Co. offered to purchase the signs if they would be designated and installed. The Board voted unanimously to establish a no parking - tow zone and requested that the Safety Officer work with the Department of Public Works for the acquisition of the signs and installation in proper locations.

LETTER RE: 328 BROOK STREET

The Building Official notified the Board of Selectmen that the owner of 328 Brook Street has cleaned up his property and recommended that he be given a 90-day extension to dispose or repair his property. The Board voted unanimously to grant the 90-day extension as requested.

SPECIAL TOWN MEETING - OCTOBER 5, 1982

The Board discussed the proposed procedure for handling the articles dealing with the disposal of the Lincoln School property with the Planning Director and representatives of Strehlke Co. and Kuhlman, Inc. It was determined that the Board would co-sponsor articles on behalf of 3 developers if they chose to submit them. Each of the 2 developers represented agreed to this procedure. Rosewood, Inc., the third developer, had not contacted the Selectmen's office to confirm their continuing interest. If they do not contact the office by the time the warrant is closed, this article will not be included.

By unanimous vote, it was established that the warrant would be closed officially on August 27 at 5:00 P.M.

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MIDDLESEX COUNTY ADVISORY BOARD - REQUEST FOR BOARD MEMBER DESIGNATION

The Middlesex County Advisory Board requested that a member of the Board of Selectmen be designated as Framingham's representative for the coming year. By unanimous vote, Selectman John DelPrete was designated as the Framingham representative.

LIQUOR VIOLATION REPORT - DAMERI'S MARKET

The Board reviewed a letter from the Chief of Police citing a liquor violation of sale to a minor at Dameri's Market on Hollis Street. They accepted the Chief's recommendation to send a letter of reprimand with a warning that future offenses would result in severe action.

ACTING POLICE CAPTAIN APPOINTMENT

At the request of Chief Arthur Martins, the Board voted unanimously to appoint Lt. Dominic Ferrazzi as Acting Captain on a temporary basis. This is required because Captain Dino Berte had retired and Captain Bianchino is out on extended sick leave. The acting Captain appointed will be effective August 29, 1982.

EMINANT DOMAIN PETITION (SHOCK VS. TOWN)

Based on the recommendation of Town Counsel, the Board voted unanimously to authorize the payment of a settlement sum for damages incurred during the construction of the Flood Control Project at Saxonville. In addition to the payment already made, \$6,500 was authorized for payment to settle the case.

FRAMINGHAM REPRESENTATIVE - MBTA ADVISORY BOARD

Chairman King reported that Mr. R. McNally who has represented the Town for many years as a member of the MBTA Advisory Board, had requested that he be replaced as soon as a suitable replacement could be found. It was agreed that each of the Board members would make a recommendation for replacement during their meeting of September 7, 1982.

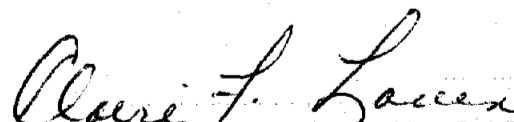
The Board noted receipt on the following correspondence and reports:

1. Report of Fire Department Overtime.
2. Copy of letter from Town Counsel to the Industrial Development Finance Authority, re: Integrated Genetics, Inc.
3. Notice of granting of license to Hudson Bus Lines by Department of Public Utilities.
4. Letter from Town Counsel re: non-preemption application - Vinyl Chloride.
5. Memo from Town Counsel re: DEQE ruling - General Chemical License.
6. Notice from School Dept. re: Rental of School facilities.
7. Notice of hearing re: liquor violation by ABCC concerning S. K. Kind d/b/a the Bubble.
8. Letter from Representative Barney Frank concerning proposed legislative changes on Industrial Development Bonds.
9. Letter of resignation from Philip Shapiro as Executive Director of MBTA Advisory Board.
10. Copy of letter from State Department of Public Works notifying Framingham Board of Public Works of funding for highway maintenance.
11. Notice of meeting of Middlesex County Selectmen's Association.

GENERAL MOTORS PLANT CLOSING

At the request of Chairman King, Town Counsel Bikofsky outlined the several possibilities for voter action concerning the possible closing of the Framingham General Motors Assembly Plant. He outlined the forms of question which might be included in the ballots and described the steps necessary to accomplish them. It was agreed that by the time any such ballot questions could be held, the impact of the results would be severely minimized. It was agreed that the State Senator and representatives from this district would be requested to file emergency legislation establishing the concern of the entire State Legislature to be voiced at the National level because of the severe economic impact of the loss of jobs and income which would result from this plant closing. It was further requested that the federal representatives and the Governor be requested to meet with the Board of Selectmen to determine what course of action might be taken to help to avert this closing. It was agreed that Congressman Frank and Congressman Shannon's offices would be contacted along with the Governor's office to set up a meeting as soon as possible.

The meeting was adjourned at 10:45 P.M.



CLAIRE F. LAVIN, CLERK