

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

JULY 11, 1988

The regular meeting of the Board of Selectmen was held at 7:30 P.M. Present: Philip B. Ernst, Chairman, Selectman Clerk John F. DelPrete and Selectman John F. King. Matthew P. Clarke, Executive Administrator, was also present.

WARRANTS:

#164 - July 11, 1988 - Bills FY '88 - \$497,412.92
#165 - " " " - Miscellaneous FY '88 - \$42,671.72
#166 - " " " - Salaries FY '88 - \$198,208.77
#4 - " " " - Bills FY '89 - \$26,006.34
#5 - " " " - Miscellaneous FY '89 - \$931,790.52
#6 - " " " - Salaries - FY '89 - \$417,018.05

MOTOR VEHICLE LICENSE:

Class II:

Route 135 Auto Sales, Inc. - 308 Waverly Street

COIN OPERATED MACHINE LICENSE:

Framingham Lodge of The Benovolent & Protective Order of the Elks of The U.S. of America - 450 Union Avenue,
4 machines (2 Video & 2 Pool Tables.

PERMIT TO OBSTRUCT A STREET:

Jane Spigel - 10 Blackthorn Road - Neighborhood Block Party, July 31, 1988 from 2:00 P.M. - 8:00 P.M.
Between 8 & 12 and 7 & 13 Blackthorn Road.

RATIFICATION:

Permit to Open, Occupy & Obstruct a Street:

Commonwealth Gas Company - 135 Western Avenue - June 20, 1988

PETITION:

Petition for the Boston Edison Company JO New England Telephone Company was granted:

NORTH STREET - easterly and westerly sides, beginning approximately 500 feet southwesterly of
School Street, two (2) poles, P.163/5 and P.163/5A. (Existing P.163/5 to be removed).

CHANGE OF MANAGER - LIQUOR LICENSE:

The Board of Selectmen voted unanimously to grant Change of Manager to Papa Gino's of America, Inc.,
341 Cochituate Road, Framingham, subject to the approval of the Alcoholic Beverages Control Commission,
from Mario Antidormi, Present Manager to Sean Murphy, New Manager, Wine & Malt Restaurant.

NEW ENGLAND TELEPHONE COMPANY PETITION

The Board reviewed a petition submitted by New England Telephone Company for conduit and box on 22 & 23
Irving Street as a replacement for an existing service. As usual, Selectman King did not participate in
the hearing. Hearing no objection to the petition, the Board voted 2-0 to approve it.

HEARINGS - ALLEGED LIQUOR VIOLATIONS:

The Board reviewed the record of liquor violations of 4 establishments in which sales were made to a minor
without request for verification of age. Police Chief Brent Larrabee was accompanied by Ms Kate Magidson
and Detectives Paul Shastany and Mike Hill. The records of sale to a minor were submitted and are on file
in the Police record files. The establishments involved were as follows:

Red Star Lunch d/b/a Time Out Bar--4866 Concord Street
Liam's Inc. - 17 Edgell Road
Steak & Ale, Inc. d/b/a Bennigan's - 167 Worcester Road
Next Door, Inc. - 666 Waverly Street

At the request of representatives of the respective establishments, the Board continued the hearing on
Liam's Inc. and Next Door, Inc. because the principals involved were unable to appear. The hearings
were continued to July 25, 1988. The hearings which were held were as follows:

RED STAR LUNCH

Attorney Paul DeCenso was accompanied by John Borghi, the manager of the Red Star Lunch, Inc.
The Police representatives presented records indicating the sale of an alcoholic beverage to
Ms Magidson who is 19 years of age. It was established that she was never requested to provide any
identification for the purpose of establishing the age required for the purchase of such a beverage.
At the conclusion of the presentation of information, the Board took the matter under advisement.

STEAK & ALE d/b/a BENNIGAN'S

Attorney John Garrahan was accompanied by Robert Johnson, the manager representing the establishment
in question. Evidence was submitted by the police representatives indicating that a sale of alcoholic
beverages had been made to Kate Magidson with no request for proof of age. At the conclusion of
the discussion and presentation of information, the Board took the matter under advisement.

HEARING - FIRE DEPARTMENT'S GRIEVANCE

Thomas Arthur - A second step grievance hearing concerning availability of vacation time for Firefighter
Thomas Arthur by the Board of Selectmen. The contention of the union representatives and Firefighter Arthur
is that he was incorrectly denied vacation for a period of time in which he was out on department injury
sick leave. Mr. Arthur was injured in the line of duty and was on a department injury 100% paid sick leave
from February 19, 1987 to May 25, 1988. Upon return to active duty in May, he requested an accumulated
five weeks sick leave which he was unable to take because he was out during 1987. The union interpreted
the section of the contract which deals with prime time vacation leave as applying to this case and

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COMMUNITY DEVELOPMENT APPOINTMENT

The Board voted unanimously to appoint Judith Moore, 1125 Grove Street, Framingham, to the Community Development Committee for a term of one year, to expire May 1, 1989.

HEARING @ FIRE DEPARTMENT GRIEVANCE (continued)

indicating that in addition to the full pay for the time in which firefighter was on sick leave, he should also have an additional five weeks of vacation time. The management of the Fire Department contended that it was incorrect to pay an individual for more than 52 weeks of salary in any 52 week period. Therefore, they rejected the application for accumulated sick leave as requested. After hearing all of the information, the Board of Selectmen took the matter under advisement, and with agreement from the union representatives present, stated that no decision would be forthcoming prior to their next scheduled meeting on July 25, 1988.

It was further requested that Town Counsel be asked the legal interpretation of the contract and the circumstances.

In their presentation, the management of the Fire Department referred to M.G.L. 41, Section 111F, which deals with injury in the line of duty. They also referred to the court case of Rein vs. Marshfield which they felt had a bearing on the case.

CONSTABLE APPOINTMENT

The Board voted unanimously to approve the appointment of William T. Foley of 90 Newbury Street, Framingham, to the office of Constable.

SAFETY OFFICER RECOMMENDATIONS:

1. The Board approved the installation of a Go Slow Children sign with a symbol on Joseph Road at Nadine Road for southbound traffic and on Joseph Road at #82 for northbound traffic.
2. The Board approved the installation of a sign reading Not a Thru Street on John J. McQuinn Circle at Waveney Road and Slow Children symbol sign on John J. McQuinn Circle, 300 feet south of Waveney Road, upon recommendation of the Safety Officer.
3. Upon recommendation of the Safety Officer and petition from the residents, the Board approved the removal of overnight parking restrictions on Brigham Road with the understanding that if any complaints are received by the Police Department, the officers will have to enforce a two hour parking limit at these locations.

POLICE DEPARTMENT REINSTATEMENT

The Chief of Police reported that the retirement of Lt. Domenic Ferrazzi created an opening for a patrol officer. He cited the fact that the Board of Selectmen had previously agreed to reinstate Lois Olivo in the next available opening. The Board voted unanimously to reinstate former patrol officer Lois Olivo subject to approval of physical condition by Dr. William George who represents the Police Department.

DISPOSITION OF ABANDONED MOTOR VEHICLES

Lt. Robert Foley cited the fact that the removal of abandoned motor vehicles had been stopped because there was no method of disposal as a result of the regulations imposed by the state D.E.Q.E. It was agreed that our elected representatives in the State Legislature should be contacted requesting assistance to resolve this problem so a difficult public nuisance could be eliminated.

FIREFIGHTER APPOINTMENTS

After careful interviews and background checks of applicants for positions in the Fire Department, the Board unanimously appointed the following individuals:

1. Kevin Burns
2. Paul Gildea
3. Joseph Hicks
4. Santiago Rodriguez
5. Quintus Franklin
6. Steven Magri

The Board noted receipt of the following items:

1. Correspondence from Town Counsel re: Framingham Country Club vs. Town of Framingham
2. Correspondence from the Police Chief re: temporary full-time Sergeant
3. Correspondence from COMMAND re: Proposed development of Chantclair House
4. Correspondence from residents re: Development - Edgell Road & Water Street
5. Correspondence from Mr. Joseph Duggan re: Water Quality Conditions
6. Correspondence from Middlesex County Advisory Board re: Recommendations of the Middlesex County Charter Commission
7. Correspondence from the Mayor of the City of Worcester re: funding from the Commonwealth of Massachusetts
8. Correspondence from the Massachusetts Arts Lottery Council re: funding
9. Correspondence from H.U.D. re: Community Development Block Grant Program
10. Correspondence from the Police Chief re: Letter of Appreciation - Concord Street Traffic Project

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11. Correspondence from the Police Department re: Dedication Ceremony, Patrolman Charles J. Burkis Square.
12. Fire Department Overtime for the weeks ending June 25, June 30 & July 9, 1988

SALVATION ARMY COLLECTION LOCATION

Town Meeting members Virginia Marino and Barbara Ford from Precinct 14 appeared to request assistance in cleaning up the area around the Salvation Army collection boxes on Howard Street. After viewing pictures of the littered condition and the history of problems which had occurred there in the past, the Board voted unanimously to direct the Building Commissioner to take whatever steps were necessary to have the collection boxes and all the activity removed from the area with a direction that they not be reinstalled and that any collection be undertaken within the confines of the existing Salvation Army building.

The meeting was adjourned at approximately 9:35 P.M.



JOHN F. DELPRETE, CLERK