

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

AUGUST 21, 1989

The regular meeting of the Board of Selectmen was held at 7:30 P.M. Present: Selectman Clerk Philip B. Ernst, Selectman John F. DelPrete. Edgar C. Gadbois, Executive Administrator was also present. Chairman John F. King was unable to attend.

WARRANTS:

#22 - August 21, 1989 - Bills - \$303,474.18
#23 - " " " - Miscellaneous - \$1,228,185.97
#24 - " " " - Salaries - \$549,041.29

COMMON VICTUALER'S LICENSES:

Mugs Away Pub, Inc. - 666 Waverly Street
Cher Lyn's Breakfast and Lunch - 12 Union Avenue

COIN OPERATED MACHINE LICENSES:

Mugs Away Pub, Inc. - 666 Waverly Street - 2 machines (1 Video and 1 Table)
Pizza Wagon - 1B Hamilton Street (Round-Up Shopping Center) - 1 Health Machine

AMUSEMENT LICENSE:

Mugs Away Pub, Inc. - 666 Waverly Street - Juke Box

SPECIAL ALL ALCOHOLIC BEVERAGE LICENSE:

Maura S. Daly - Village Hall - September 23, 1989 - 12:00 Noon to 6:00 P.M. - (Wedding Reception)

SPECIAL MALT BEVERAGES AND WINE LICENSES:

Framingham Animal Humane Society, Inc. - Concord Place - September 24, 1989 - 4:00 P.M. to 7:00 P.M.
(Benefit Wine-Tasting by Invitation Only)

RATIFICATIONS:

Permit to Open, Occupy and Obstruct a Street:

Commonwealth Gas Company - Western Avenue @ Leland Street - June 7, 1989

HEARING - BOSTON EDISON COMPANY PETITION:

A representative from the Boston Edison Company appeared to present a petition for the installation of conduit on Alicia Road. Hearing no objections, the petition was granted.

HEARING - GASOLINE STORAGE - SHELL OIL COMPANY AT 29 WATER STREET:

A representative from Ayoub Engineering, Inc. attended on the application of Shell Oil Company to use the land at 29 Water Street for the additional storage of gasoline.

Hearing no objections, the Board voted to grant a license to Shell Oil Company for the additional storage of gasoline, fuel oil, and waste oil as follows: Three 12,000 gallons each of gasoline, one 1,000 gallon of fuel oil and one 1,000 gallon of waste oil, making a total of 38,000 gallons of gasoline, fuel oil and waste oil in five tanks underground.

CONTINUED HEARING - ATTORNEY CHARLES MAC LEAN FOR PATROLMAN JOSEPH BESARDI:

Attorney Charles MacLean appeared before the Framingham Board of Selectmen representing Joseph Besardi, who was also in attendance.

The basis of the grievance was outlined by Attorney MacLean by referring to his letter to the Board of Selectmen dated June 27, 1989.

Some discussion took place regarding the issue that the Chief of Police, Brent Larrabee had changed the policy in regards to giving comp time to Police Officers. The Chief made it clear that the procedure for giving comp time had not been changed.

Officer Besardi stated that he had requested comp time at the time he had worked additional hours by going to court, and when he requested the comp time he was denied the time off and since he was denied the comp time, he now was requesting monetary compensation.

Selectman John DelPrete made a motion that the matter be taken under advisement and the hearing be continued to September 5th. The motion was passed.

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HEARING - TRANSFER OF OWNERSHIP OF LIQUOR LICENSE FROM FINAL FRAME RESTAURANT REALTY TRUST TO RAVI ENTERPRISES, INC., RAVINDRA B. VORA, MANAGER AT 110 MT. WAYTE AVENUE:

Attorney John Nealon, Attorney Robert Racquiel and Attorney David Luft attended. Attorney Nealon represented the Final Frame Restaurant and Attorney Robert Racquiel is the counsel for the petitioner. The petitioner was unable to attend due to a family emergency.

Attorney Nealon stated that there has been an agreement to transfer the business to the transferee pending the transfer of the Beer and Wine license. The transferee currently is a restaurant owner with a business in Allston which is called Barbecue's International. They have been in business for approximately five years. It is a successful business, one which does not presently own a Beer and Wine license. He stated that they intend to run the restaurant along the same line as the operation in Allston - barbecued beef, shrimp, etc. The proposed name for the restaurant is Let's Do Barbecue. He also stated that no major changes are planned at the site. Mr. David Honen, Business Broker, attended to briefly mention the few decorative changes. The changes would be tables and chairs, paint and lighting fixtures. He also spoke briefly on behalf of the owners regarding the excellent food and he felt that Framingham would do well with it.

Selectman DelPrete asked if he was going to take over the bowling alleys. Attorney Nealon stated that the bowling alleys would be separate. There would be no interest at all. Selectman DelPrete stated that he would not vote for a transfer until the owner came before the Board. He had concerns regarding any entertainment and experience in the serving of liquor. Selectman DelPrete also questioned the hours and if it would be the same operation. Attorney Nealon stated that the hours of operation would be until 1:00 A.M. Attorney Nealon pointed out that in the past year this site has never had any violations from the Police Department.

Selectman Ernst asked if they knew how many people came in that were not bowlers. Attorney Nealon could not give a percentage.

David Honen stated that it is the intention to continue to provide service at the alley, which is one of the requirements on the part of the sellers. It is the intention of the buyer to build a clientele of their own.

Following the discussion, Selectman DelPrete moved that the matter be taken under advisement, seconded by Selectman Ernst. The hearing concluded at 8:40 P.M.

CONFERENCE - STORE 24 - 431 WAVERLY STREET - HOURS OF OPERATION:

Mr. John Tunnen, Chief Operating Officer for Store 24, Paul Tromblay, Regional Manager for the area, Tom Gisinsky, Loss Prevention and Safety Department and John Mahoney, the manager of the Framingham store appeared before the Board. Mr. Tunnen stated that the store has been operating for 24 hours since 1977. He stated that the manager has been at the store for almost 10 years and he felt that they service the community well.

Selectman DelPrete requested to hear from Police Chief Larrabee.

Chief Larrabee stated that after he was appointed Acting Chief, he went through the Town and there were several stores and gas stations operating in violation of the Town's By-Law. At that time, he posed the question to Town Counsel and he advised him to enforce the law.

Chief Larrabee stated that Store 24, since 1977 passed the 24 hour requirement as passed by Town Meeting to accommodate the people working at General Motors. Since General Motors has closed, it was his feeling that everyone should be in compliance unless the Selectmen choose to go against Town Meeting. He stated that Store 24 has been very workable with both Chief Martins and himself. He felt that in order to comply with Town Meeting's will, it had to be across the Board and if exceptions were to be made, they would have to be made by the Board for other reasons other than to accommodate the General Motors Plant.

Selectman DelPrete stated that he remembered the original vote based on General Motors going there and for people getting a late night cup of coffee because of many people working the second shift and start of the third shift. He stated that we had problems in the Hollis Street area and maybe this was part of the problem in the Store 24 parking lot. He also stated that he personally has never received a complaint about Store 24.

Mr. Tunnen feels that they service a lot of people, truck drivers, police officers and people that like to get up early on their way to work. He feels that their record speaks for itself. They cooperate with law enforcement and the community.

Selectman Ernst stated that he had requests from people stating that they should consider changing the hours long before the incidents of the summer were happening. He stated that he has heard nothing bad about the operation, but he thinks it was the will of Town Meeting not to have 24 hour operations in Framingham. The law has not changed. The Board of Selectmen made the exception. The rationale is gone.

Selectman DelPrete stated that the rationale of the Board's decision was that the location was at the crossroads of 126 and 135. It was a central location in the business area with no residences nearby. This is another reason that they opted to say that this could be a 24 hour operation. Selectman DelPrete stated that he would like to sit down with the Police Chief before any decision is made.

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Mr. Tremblay, Regional Manager, stated that even with General Motors closed, they are still serving close to 4,000 customers per week during midnight to 8:00 A.M. Selectman Ernst asked if Mr. Tremblay could elaborate on the 4,000 customers between midnight and 8:00 A.M. over a one week period. Mr. Tremblay stated that it is roughly 300 between 1:00 and 6:00 A.M. per night, which is approximately 2,100. 2,100 of the 4,000 customers are between 1:00 A.M. and 6:00 A.M.

Mr. Ned Price, Town Meeting member, asked if Store 24 has operations that are not open 24 hours. It was stated that there are 10 locations that are not open 24 hours.

Following the discussion, the Board voted to take the matter under advisement.

CONFERENCE - LARRY DECKER - RECYCLING ACTION COMMITTEE:

Mr. Decker appeared before the Board of Selectmen. He stated that he is the Co-Chairman of the Framingham Recycling Action Committee. They are home-based at the First Parish Unitarian Church. The group has felt that recycling would be a long-range solution to Framingham's trash problems. They are showing a film (35 minute video documentary called "Waste to Riches" produced by the Massachusetts Trash Action Coalition and the Clean Water Action Committee. It presents a comparison of the two ways of communities handling their garbage. It compares the facts about consideration and recycling and compares the economics. It also compares the environmental impacts of both ways.

He stated that he came to invite the Selectmen and Mr. Gadbois to view the film this Wednesday evening, August 23rd at 7:30 at the First Parish Unitarian Church. All of the Town Meeting members were invited and the Director of Public Works would attend. Mr. Decker wanted to volunteer the committee's services to the Town to try to increase the paper recycling program that is now in effect.

He explained to the Board that we pay \$50 to \$60 per ton tipping fee for every ton taken to Haverhill. They take 30,000 tons up there a year. If 10 to 20 percent of that is paper and magazines, this saves 20 percent. That is 6,000 tons that could be saved times 60 would be \$360,000 the Town could save on paper.

Selectman DelPrete stated that they were just talking about how they could save money last week. He stated that anytime we could save is an advantage. We have to make up our minds whether we are going to haul or burn. This would be up to Town Meeting to make that decision.

Selectman Ernst stated that only about 10 percent put their papers out on his street. He stated that he is a member of the Metro-West Growth Management Committee and they sponsored a visit to the Wellesley Recycling operation last Saturday. He understands that the Wellesley operation is very successful.

Selectman Ernst stated that the Department of Public Works is looking into leasing or selling the Incinerator and he doesn't think people will take about recycling until a decision by Town Meeting is made on the point.

Selectman DelPrete stated that recycling would be important even if the decision was made because anything you could recycle such as paper and bottles and if the plastic - that would be a big boom because it would mean that much less in the burning of plastics.

Following the lengthy discussion, the Board thanked Mr. Decker for attending.

RECOMMENDATIONS OF TOWN ENGINEER RE: STOP SIGNS AT WHITTEMORE ROAD AND GREGORY ROAD:

Upon the recommendation of the Town Engineer, the Board voted to approve the installation of Stop signs at Whittemore Road and Gregory Road.

CORRESPONDENCE FROM POLICE CHIEF BRENT B. LARRABEE AND CAPTAIN ALAN NARDINI RE: FORTUNE TELLERS LICENSE:

The Board voted to establish a hearing on the matter.

CORRESPONDENCE FROM ATTORNEY JOHN GARRAHAN RE: FRAMINGHAM UNION HOSPITAL (ABANDONMENT OF PORTION OF BEECH STREET):

Attorney John Garrahan, representing Framingham Union Hospital stated in his letter that by a vote of the Board of Selectmen abandoning any right to Beech Street that in lieu of making a payment which was indicated by Town Meeting, they will be purchasing for the benefit of the Fire Department, the following equipment: Jaws of Life, Air Bag Rescue Kit and K-12 Rescue Saw, which totals \$25,600.

The Board recommended the Executive Administrator speak with Town Counsel and the Finance Committee to make arrangements for acceptance.

The Board noted receipt of the following items:

Correspondence from Board of Assessors re: Preliminary Tax Notices

Correspondence from Neighbors for Southside Environmental Protection re: Conrail Facility (1)

Correspondence from Neighbors for Southside Environmental Protection re: Conrail Facility (2)

Correspondence from General Manager of Sheraton Tara Hotel re: policy for serving alcoholic beverages.

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Correspondence from Sam Swisher re: Annual Performance Report, Rental Rehabilitation Program.

Correspondence from Sheila Silverberg re: Street light removal

Invitation from Town of Sudbury re: Anniversary Celebration.

Fire Department Overtime weeks ending August 5th and August 12th.

SOCIAL SECURITY OFFICE - CONCORD PLACE:

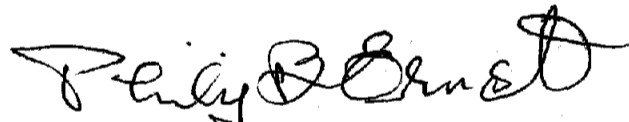
Ms Sara Ludwig appeared regarding some concerns re: handicapped parking in the back of the Social Security Office. The Board requested the Executive Administrator look into the matter.

SPECIAL TOWN MEETING:

The Executive Administrator stated that the Special Town Meeting had been set up for September 12th to send out tax bills, but in order to do this, we had to have a balanced budget. Since that time, the State Department of Revenue has eased its policies on sending out preliminary tax bills. Now we can send out tax bills without a balanced budget. The Executive Administrator recommended that the Special Town Meeting date be changed to September 26 to give the Finance Committee more time to deliberate a course of action to deal with the shortfall of revenues and all of the union contracts should be ratified by that time and all of them could be addressed in light of the budget.

The Board voted to change the Special Town Meeting to September 26. The warrant would close on August 28, 1989.

The meeting adjourned at approximately 9:30 P.M.



PHILIP B. ERNST, CLERK