

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

DECEMBER 30, 1991

The regular meeting of the Board of Selectmen was held at 7:30 P.M. Present: Philip B. Ernst, Chairman, John A. Stefanini, Clerk and John F. King. Also present: Edgar C. Gadbois, Executive Administrator.

WARRANTS:

#78 - December 30, 1991 - Bills - \$224,553.61
#79 - " " " - Miscellaneous - \$740,942.81
#80 - " " " - Salaries - \$1,763,931.86

COMMON VICTUALER'S LICENSES:

Pasta Etc., Inc. - 855 Worcester Road
India Palace Restaurant - 195 Concord Street
Famous Pizza - 59-61 Nicholas Road
The Subway & Pizza - 510 Union Avenue
D'Angelo Sandwich Shop - 261 Waverly Street
Framingham Donuts, Inc. d/b/a Dunkin Donuts - 266 Concord Street
Family Table Restaurant - 82 Concord Street
Samuel Corporation d/b/a Copper Kettle - 1670 Worcester Road
The Five Continents, Inc. d/b/a Spring Garden - 1656 Worcester Road

MOTOR VEHICLE LICENSES:

Class II:

Low Cost Auto Rentals, Inc. - 46 Water Street
Barb Chaplin Ideal Used Cars - 380 Waverly Street
Classic Auto Sales - 59 RR Beaver Street
Waverly Street Auto Sales, Inc. - 324 Waverly Street

Class I:

Bay State Lincoln-Mercury, Inc. - 571 Worcester Road
Silko Acura - 500 Worcester Road
Midway Garage, Inc. - 510-544 Cochituate Road
Midway Auto Imports, Inc. - 510-544 Cochituate Road

COIN-OPERATED MACHINE LICENSE:

Pizza Wagon - 1B Hamilton Street - 1 Video game)

SUNDAY ENTERTAINMENT LICENSES:

Boston West Lanes, Inc. d/b/a MetroWest Lanes - 110 Mt. Wayte Avenue - Juke Box - Sundays, 1992
Boston West Lanes, Inc. d/b/a MetroWest Lanes - 110 Mt. Wayte Avenue - Coin Operated Machines (14), Sundays, 1992
A & C Associates, Inc. d/b/a Fun & Games Arcade - 50-60 Worcester Road - ARCADE LICENSE - Sundays, 1992

HEARING - NEW ENGLAND TELEPHONE COMPANY PETITION - WAVERLY STREET AND IRVING STREET - CONDUITS AND MANHOLES:

Mr. Pat Lovett of New England Telephone Company attended to request permission to place conduit system on Waverly Street and continuing on Irving Street. They came before the Board with the request due to their existing system underneath the railroad tracks by the crossing has been exhausted so they would like to tie in their newest system by the Railroad Station and come across and tie it into the old system which is at the intersection of Hollis Street and Irving Street to place a new fiber optic cable. They intend to do this in the spring.

Hearing no objections, the Board approved the petition subject to approval by the Department of Public Works provided this work is completed prior to overlay by the town and as long as it is done first thing in the spring. The petition was approved on a 2-0 vote.

As usual Selectman King did not participate in the hearing to prevent any conflict of interest.

HEARING - LIQUOR VIOLATION - THE FIVE CONTINENTS INC. d/b/a SPRING GARDEN, 1656 WORCESTER ROAD - ALL ALCOHOLIC RESTAURANT:

Police Chief Brent Larrabee read a report by Officer Robert Tibor concerning an anonymous call to the Police Station on November 27, 1991 on a report of minors in the lounge at Spring Garden, 1656 Worcester Road. Officer Tibor and Officer Peter Galvani were dispatched to the restaurant and observed approximately 35 to 45 young males and females in the lounge. Many were observed to be holding and consuming from beer bottles. Officer Tibor advised the management that minors had been served alcohol and that action would be taken against them.

Mr. David Chow, owner of the restaurant attended with an employee who was working behind the bar. His wife Angel Wang is listed as the manager. On the night in question, neither one were present.

Mr. Chow stated that he tells his employees that everyone has to have an I.D. before they order a drink but sometimes people show false I.D.'s.

Mr. Chow stated that between 25 to 35 people were in the lounge after discussing the incident with employees.

Selectman King asked who was in charge that evening?

Mr. Chow stated, Randy Kim who is his partner. Mr. Kim, the Bartender and a couple of waiters were present in the restaurant.

The Board heard considerable testimony from Mr. Chow and the bartender.

Selectman King expressed his concerns and called the matter a disgrace.

Police Chief Larrabee recommended that the license be suspended indefinitely.

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HEARING - LIQUOR VIOLATION - THE FIVE CONTINENTS INC. d/b/a SPRING GARDEN, 1656 WORCESTER ROAD - ALL ALCOHOLIC RESTAURANT (continued):

Selectman King stated that the law says that if the public convenience and necessity will be served the licensing authority can, after a public hearing, issue a license. It was clear to him that the public convenience is no longer being served when we allow an establishment to serve youngsters of the age of 17.

Selectman King moved for complete revocation of the license and allow them on June 30, 1992 to come back for a review of the existing license but at that time there is no guarantee that this Board will remove the revocation of the license. The motion was seconded by Selectman Stefanini and voted unanimously. The Board directed the Chief of Police to pick up the license in the morning. The Board voted to allow the serving of food.

HEARING - LIQUOR VIOLATION - MARIO SANNICANDRO d/b/a WAYSIDE MARKET, 80 WAVERLY STREET - WINES & MALT BEVERAGES AS A PACKAGE GOODS STORE:

Mr. Mario Sannicandro and Thomas Sanicandro were in attendance regarding a violcation which occurred on November 30, 1991 on a sale of beer and wine to minors.

Police Chief Larrabee made a recommendation prior to even hearing the violation that the Board suspend or revoke the license. He stated after this initial liquor problem came about the investigating officer, Blaise Tersoni telephoned Mr. Sannicandro who informed Officer Tersoni that he hasn't owned the store for over a year. Chief Larrabee attended a hearing with a group of individuals who had purchased the Wayside Market and had been running it for approximately twelve months. It is his understanding that the liquor transfer was not approved by the Alcoholic Beverages Control Commission so there is a question about who is supposed to be owning and operating the license. The current people who are the rentees or owners are running it under Mr. Sannicandro's name who apparently has no more ties to that and that is based on his statement against Officer Tersoni. He thought the license should be revoked immediately and he would have done that on his own at that point in time such as he has in the past but he thought we should extend Mr. Sannicandro some courtesy to explain what exactly is happening with a license that the Board granted with the Wayside Market and then after that we could talk about the violation. If it is as the police see it and read it he would ask that the Board revoke the license immediately.

Mr. Tom Sannicandro represented his father. He stated that his father received this license prior to 1960. In that thirty year time period he has never been before the Board for any violation.

Mr. Tom Sannicandro stated that his father has run the business for forty-five years and is attempting to retire. The economy is such at this point that it is difficult to sell any type of establishment. He attempted to sell the establishment, the liquor license wasn't transferred at that time. He sold the business but he didn't sell the liquor license as part of the business. The Beer and Wine license was attempted to be transferred. They went through a hearing and the Board approved the transfer. The transfer wasn't approved by the A.B.C.C. The reason why the transfer wasn't approved by the A.B.C.C. is because it had to do with a non-payment of tax. It didn't have anything to do with the operations at the store. Before the A.B.C.C. approves it they run a check throught the Department of Revenue and they came back and said there were taxes owed so that they were going to deny the transfer. Taxes were owed by Mr. Sannicandro. They were instructed to go through the process again to re-transfer the license.

Selectman King asked Tom Sannicandro if his father was still responsible for the license.

Tom Sannicandro stated that they sold the business so right now he doesn't own the business but he is still the owner of the license.

Chief Larrabee stated that under the laws of the Commonwealth you can't do that. You can't hold the license. The license is owned by the town.

Selectman King stated that normally when someone is issued an alcoholic beverage license, the manager of record is listed as the responsible person for the license. The manager of record as far as the Board is concerned is your father yet your father is not actively involved in the operation of that business or has any control over how that license is being administered for the sale of alcoholic beverages. The Chief is saying that in effect, that in itself is a violation of the general laws of the Commonwealth of Mass. so before we even got started, the point he was making is that we are in violation before we even get started into the violation that took place on site.

Tom Sannicandro stated that this transfer, since it is not going through, the A.B.C.C. suggested they go through with the transfer again. For whatever reasons, the transfer is not going to take place and his father is going to take back that business again now. They are now working out the details of the transfer that they are attempting to take it back in January.

Chief Larrabee explained when the A.B.C.C. and the Department of Revenue denied the transfer of the license, the issue was dead. That license no longer exists as it is formed unless Mr. Sannicandro is now still the partner, owner or manager or in some way connected. The only thing he has done in this case is lend his name to a liquor license.

Tom Sannicandro stated that there is still an interest in the business itself and the itnerest is more of a security interest. The issue about the revocation of the license he thought is a harse issue. It is is revoked he is losing a substantial asset in the business for his retirement. They went through the transfer and Mr. Sannicandro still retained an interest in the store, mainly a security interest. Under the security interest they have the right to take back the store. They have been negotiating with the person that is presently running the store and she, at this point, wants to give it back. They are at the point of trying to work out the details of how they are going to take the store back.

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HEARING - LIQUOR VIOLATION - MARIO SANNICANDRO d/b/a WAYSIDE MARKET, 80 WAVERLY STREET - WINES & MALT BEVERAGES AS A PACKAGE GOODS STORE:

Selectman King stated that in light of the fact that Mr. Sannicandro has been a businessman in the community for thirty years without any violations whatsoever, he suggested that they surrender the license tomorrow morning and re-apply for a license upon becoming actively involved in the business.

Following considerable discussion, Selectman Stefanini made a motion that subject to the license not being surrendered first thing in the morning by the other individuals in question, that the Police Chief be directed to remove the license from the premises.

The motion was seconded by Selectman King and voted unanimously.

Police Chief Larrabee read a report by Officer Blaise Tersoni of the violation which occurred on November 30, 1991, concerning the sale of beer and wine to minors.

REQUEST FROM FRAMINGHAM ENTERTAINMENT CENTER, INC. - 220 WORCESTER ROAD, FOR A 2:00 A.M. CLOSING ON FRIDAY EVENINGS:
The Board reviewed the request from Framingham Entertainment Center for a 2:00 A.M. closing on Friday evenings.

Selectman King moved that the Board not approve the 2:00 A.M. opening and wanted to make sure that before the license becomes active that the Board has a clear understanding as to where the sale of alcoholic beverages is going to take place.

Selectman Stefanini suggested inviting the representatives in to discuss issues pertinent to the establishment.

The Board did not take any action pending a conference with the representatives of Framingham Entertainment Center.

CORRESPONDENCE FROM FINANCE COMMITTEE RE: MEETING OF JANUARY 15, 1992:

The Board reviewed correspondence from the Finance Committee requesting to set up an Executive Session with the Board of Selectmen and School Committee to discuss bargaining on Wednesday, January 15th.

Mr. Gadbois will inform the Finance Committee that the Board will meet on January 15th, however the Board would like to have an agenda which Selectman Ernst and himself will meet with Mr. Kahn to review.

CORRESPONDENCE FROM CHAIRMAN OF COMMISSIONERS OF PUBLIC WORKS RE: OUTSTANDING BILLS AT 80 WALNUT STREET:

Selectman Stefanini suggested that the Public Works Department get in touch with the Treasurer and Town Counsel. They should have a policy relative to tax titles and property.

Mr. Gadbois will check into the matter.

CORRESPONDENCE FROM TOWN COUNSEL AARON K. BIKOFSKY RE: ACCIDENT CLAIM:

The Board voted unanimously to table the matter until next week on the motion of Selectman Stefanini.

The Board noted receipt of the following items:

Correspondence from Police Chief Larrabee re: Mark Anthony's Pub, 559 Hollis Street re: warning, possible violation.

Correspondence from Town Counsel Aaron K. Bikofsky re: Community Cablevision re: a concluded matter at the Appellate Tax Board.

Correspondence from Building Commissioner re: payment for work done at Nobscot Fire Station.

Copy of correspondence from the Executive Administrator to the Executive Office of Transportation re: Downtown Fire Department overtime week ending December 21, 1991

Police Department overtime week ending December 20 and December 27, 1991.

TAX BILLS:

Mr. Gadbois explained that the tax bills have gone out, the third quarterly tax bill. It represents the same amount of money as the previous payment. It is important that the taxpayer understand and there was a letter in there indicating that the tax bill that they will receive on or about April 1st will reflect all of the tax increase that will take place this year. At this point, the Assessors are not prepared to give a hard number. They should have a hard number towards the end of this month at which time they will announce it and will be able to indicate to the average taxpayer what they can anticipate for their additional tax monies for their family planning. Mr. Gadbois will send another newsletter prepared and sent out to all the taxpayers which will indicate to them pretty closely what they will expect will have to be paid come April 1st and the reasons why.

CAPITAL PROJECTS:

Selectman Stefanini stated today, the Architect Selection Committee met and interviewed four finalists for the Police Station and four finalists for the Fire Station. The selection committee was made up of the Permanent Building Committee and the Police Chief and himself representing the selectman and on the Fire Station, Deputy Pillarella was the Chief's representative and himself. He referred to a letter from Michael Grilli, Chairman of the Permanent Building Committee which stated that the Consultant Selection Committee interviewed and selected architects for the Police and Fire Station projects. For the Police Station, the firm of Dunham & Sweeney, Inc. of Boston was selected and for the Fire Station, Key's Associates of Waltham was selected. It was the understanding of the group and he conveyed this Board's concern relative to the Fire Station land that a contract will not be signed with the architect of the Fire Station until the land is, in deed, acquired by the town.

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CAPITAL PROJECTS:

Selectman Ernst asked Mr. Gadbois on the status of the land.

Mr. Gadbois didn't have any news at this point. He knows that the State representative was working hard at trying to push the bill through during these last couple of days. He talked with him a week ago Friday and at that time he indicated to him he was going to do everything possible to get it through and that it had gone through some stages. It had been in the Senate and had been in the House and was moving along with other bills.

Selectman Stefanini suggested inviting the Fire Chief in and review his plans for a new Fire Station so that we can narrow down specifically what they are looking for.

STREET OPENING PERMITS:

Selectman Stefanini asked Mr. Gadbois about the status of the regulations re: street opening permits. He asked Mr. Gadbois to follow-up with Town Counsel and the Board of Public Works.

FEES - CONDUITS AND POLES - TELEPHONE COMPANY AND EDISON COMPANY:

Selectman Stefanini requested setting up a hearing and investigate the most appropriate way relative to the issue of fees for conduits and poles of the Telephone and Electric company any use when they come in for the permitting process.

DEVELOPMENT OF THE BUDGET TIME LINE:

Selectman Stefanini stated that this Board passed several months ago, a budget process that has been followed in the past and apart of that was a presentation of the budget to this board - an evaluation of the revenues, hearing and adoption of an eventual document or budget. He asked Mr. Gadbois if he could come back to the Board next week with a schedule of when the financial team, Town Accountant, Treasurer and Assessor can present the revenues to the Board sometime after the first of the year so that they may be presented and evaluated and discussed. Second, that we establish a date for public hearing on the budget and he suggested that the Board have a meeting where we hear the budget presentation in its entirety and that we not make amendments to it at that time but save it for a later meeting. He also asked if we could come back with an impact statement as to the Retirement Bill that is before the Governor assuming that he signs the Retirement package with local adoption provisions.

Selectman Stefanini stated that we have talked several times about formalizing a financial team in terms of coordinating the financial affairs of the town to a greater extent. He asked if Mr. Gadbois could come back with a recommendation as to how that will be accomplished.

As part of the budget document, Selectman Stefanini would appreciate along with the listing of employees, a listing of town vehicles and their make and year.

UNFINISHED BUSINESS:

Constable Appointment - Virginia Marino:

The Board voted unanimously to appoint Virginia A. Marino, 86 Kendall Street, Framingham, MA., for a term of three years, on motion of Selectman King.

The meeting adjourned at 10:00 P.M.



JOHN A. STEFANINI, CLERK