

# TOWN OF FRAMINGHAM

## SELECTMEN'S RECORDS

\*REGULAR MEETING OF THE BOARD OF SELECTMEN DECEMBER 2, 1974\*

The regular meeting of the Board of Selectmen was held at 7:30 p.m. Present: Mr. John F. King, Chairman, and Mr. John F. DelPrete, Clerk.

### WARRANTS:

#62 - Dec. 2, 1974 - Bill - \$168,356.15  
#63 - " - School Pay Roll - \$479,261.28  
#64 - " - Pay Roll - \$397,521.71  
#65 - " - Bill - \$109,034.79

AUCTIONEER'S LICENSE - Chris Tracy, 1500 Worcester Rd., Apt. 211 (residence) - 1661 Worcester Rd., (business, New Eng. Rare Coin Galleries).

### SPECIAL MALT BEVERAGE AND WINE LICENSES:

Student Union Committee Framingham State College, Dec. 5, 9 p.m. to 12 p.m., O'Connor Cafeteria, State College.

Framingham State College Alumni Assoc., O'Connor Hall, State College, Dec. 8, 7 p.m. to 10 p.m.

### RATIFICATION:

Open st. - Brentwood Construction Corp., Parker Rd., Newbury St., Central St., Saucier St., Coburn St., and Mellen St., drain construction (drain contract #899 for Town), Dec. 2, 1974 to June 30, 1975.).

APPOINTMENT OF SPECIAL POLICE OFFICER - Martin E. Greenblatt, 65 Sloane Drive, was appointed a special police officer for a term of one year.

### GRIEVANCE - FIREFIGHTERS:

President Lawrence D'Angelo, Chairman Robert Hinckley and Robert King of the Fire Fighters Grievance Committee, Local #1652, appeared before the Board to discuss a grievance filed by several fire fighters in connection with Article 13 (Rights & Privileges) of the Fire Fighters Contract. Complaint arose from a proposed order by the Chief of the Department regarding their attendance at town boards or meetings as official members during duty hours. In essence, the grievance by the firefighters claimed discrimination since only two firefighters were told they were not able to attend town boards or meetings, while other members of the Department who are town meeting members have not been told. Mr. Hinckley told the Board the grievances filed by Joseph Conlon, Remo Mercorelli and John Rutledge were in compliance with the grievance procedures. He referred to Chief Byrne's response to the grievance, noting the Chief had only acknowledged receipt of two grievances, and he detailed other points of the response he disagreed with (Section B of the Manpower Clause on page 4 of the contract). Larry D'Angelo explained to the Board that the Chief, up until now, still has not put out a general order to this effect, nor has he notified any other members of the department of this policy. The "Rights & Privileges" clause was detailed by Larry D'Angelo in response to a question raised by John King. He pointed out that when the firefighters first organized, they did not write out what privileges they were enjoying up to that time because the then Chief, Clyde Van Duzer, felt it was not necessary. He emphasized that Article 13 of the firefighters agreement which provides station privileges shall be retained except when it is determined by the Chief that an abuse exists, was clearly violated. John King asked why they were opposed to swapping. Robert Hinckley noted that this clause has been in effect for five or six years, and questioned why, after 30 years, this was being enforced.

Responding to questions raised by John King, it was pointed out that Mr. Conlon was told on Oct. 15, 1974 that he could not enjoy this privilege, while the two town meeting members were not told until after the November 13th Special Town Meeting. John King also asked whether Mr. Conlon was replaced when he leaves his station to attend a meeting. He was advised that they did not call somebody in who was off duty. Larry D'Angelo pointed out that the clause was not intended to cause expense to the Town, nor designed to place a burden on the Town. He asked if they were to be denied the opportunity to serve the community because they were firefighters. Selectman DelPrete asked if the same policy applied to appointed and elected officials - noting no grievance had been filed by the appointed official. He also acknowledged only one grievance was valid (that of Mr. Conlon) since the two town meeting members - although they have been notified of the policy - have not served as yet. Responding to a statement by Selectman DelPrete that the issue was a "past practice grievance", Mr. D'Angelo said they were concerned about setting a precedent and asked if the privileges could be taken away without bargaining.

Chief Byrne, who said he was concerned about coverage and the amount of manhours lost, said strongly there was no discrimination and never was. He said no one told the firefighters they could not go to meetings - but to use time swaps. He said because more firefighters have become active in community affairs, Article 13 has become abused and as far as he was concerned, it has reached a point where he felt he had to draw the line. He questioned whether the members of the Fire Department should be allowed to attend town board or committee meetings on the town's time and get paid by the town at the rate of \$5.50 per hour, or should they attend these meetings on their own time and their own expense. He emphasized that all he was asking was they arrange time swaps. He said he could not understand why they wouldn't do this unless they did not want to be inconvenienced. Responding to the statement that he had not told the two town meeting members about the policy, Chief Byrne said this was perhaps an oversight on his part because he did not realize there was going to be a town meeting scheduled so soon. John DelPrete said the real issue was whether the "past practice" should be continued. In discussion, Mr. Meserve pointed out that Article 13 of the agreement was vague and needed clarification. A letter received from the Director of Personnel, R.A. Meserve, indicated that the Chief's approach to the grievance should be supported. He noted that the grievance cited Article 13 of the Firefighters Agreement as its basis, however, the increasing use by members of the department constitutes an abuse, although not deliberate.

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GRIEVANCE (CONT'D.):

After further discussion, the matter was taken under advisement.

Later in the evening, Selectman DelPrete said he would not take any action on the matter until he sought clarification from the Town Counsel because there were too many unanswered questions.

THE GOLDEN PHOENIX, INC. (EXTENSION OF HOURS):

Attorney John St. Andre, representing The Golden Phoenix, Inc., 150 Worcester Road, appeared with his client, Joseph Chou, to request permission to remain open for a longer period of time than their present licenses permit. Mr. St. Andre explained that The Golden Phoenix, Inc. had been running at a loss, and is now under new management. In an attempt to keep the business going, they wished to extend their 1:00 A.M. closing to 2:00 A.M. on Friday only for the purpose of selling food and alcoholic beverages; and from 1:00 A.M. to 2:00 A.M. every other night for the purpose of selling food only. He told the Board they would be amenable to any restrictions the Board wished to impose in connection with the request; i.e., extra police, etc. John DelPrete said he would be agreeable to granting the request on a trial basis. John King expressed some concern regarding the monitoring of sales of alcoholic beverages. Mr. Chou told him that he had worked under this policy before without problems, and he assured the Board that the new management would be sure to carry out the policy. It was unanimously voted to grant permission to The Golden Phoenix, Inc. to remain open until 2:00 A.M. on Fridays only for the purpose of selling food and alcoholic beverages, and to remain open nightly until 2:00 A.M. for the purpose of selling food only.

TRAFFIC REGULATIONS:

On the recommendation of the Safety Officer, it was unanimously voted to approve the installation of a RESIDENT PARKING ONLY sign on Grant Street in front of #162 Grant Street.

OLD CONNECTICUT PATH AT TOLL ROAD BRIDGE:

Receipt was noted of a report from the Town Engineer advising the cost of burying the cable carried by the utility pole on Old Connecticut Path at the Toll Road Bridge would be \$40,000 while cost of relocating it north and rear of the sidewalk would run \$200. Mr. Sergeant pointed out that action would be deferred, however, at this time, pending receipt of a report from the State on whether funds are available to pay for underground wiring.

PERMANENT SCHOOL BUILDING CONSTRUCTION COMMITTEE - SPECIAL TOWN MEETING REQUEST:

Received letter from the Permanent School Building Construction Committee for a Special Town Meeting within the Special Town Meeting tentatively called for February 4, 1975 for the inclusion of an article asking for an appropriation for the proposed Saxonville School addition and remodeling. On the motion of John DelPrete it was unanimously voted to schedule a Special Town Meeting on February 4, 1975. On the motion of John DelPrete it was unanimously voted to open the Warrant; include the Saxonville School Article and to close the Warrant. On the motion of John DelPrete, it was unanimously voted to schedule a second Special Town Meeting on February 4, 1975; open the Warrant; include Operation 275 Article and reserve space for one additional article connected with Operation 275, and closed the Warrant.

COUNCIL ON AGING BUS:

A request from the Council on Aging for a ruling on the practicality and advisability - as well as the legal responsibility - of parking a town-owned bus on private property will be referred to Town Counsel. With regard to the Council's additional request regarding the availability of space for parking the bus on Town Property, John King suggested the large parking lot behind the old annex to the Farley School - when it becomes available, or the Arena. Executive Secretary Noonan was directed to work out a location for the storage of the vehicle.

SANTA'S MAILBOXES:

On the request of the Framingham Jaycees, Inc., it was unanimously voted to approve the placement of Santa Mailboxes at the following locations, providing no objection is raised from the parties involved:  
Memorial Building, Saxonville-Pinefield Shopping Center, Nobscot Shopping Center and  
Temple St. Plaza

SPECIAL MUNICIPAL EMPLOYEE:

On the request of Robert H. Ralston, Jr., it was unanimously voted to designate the position of Tree Climber (W-5) as "Special Municipal Employee".

NOBSCOT PARCEL OF LAND:

Receipt was noted of a letter from the Conservation Administrator regarding Sudbury's acquisition of a small parcel of land in Nobscot. The item will be referred to the Land Acquisition Committee and other involved Boards for their comments.

RESIGNATION - CONSERVATION COMMISSION

The Board accepted with regret the resignation of John V. Sullivan as a member of the Conservation Commission.

LIQUOR EXTENSION:

Unanimously voted to grant permission to the Sheraton Tara Motor Hotel to extend their closing time from 1:00 A.M. to 2:00 A.M. on Tuesday, Dec. 31, 1974 for the purpose of selling food and alcoholic beverages.

Unanimously voted to grant permission to the Dramatic Club of Framingham, Inc. to extend their closing time from 12:00 midnight to 2:00 A.M. on Dec. 31, 1974. It was also voted to deny their request for a 2:00 A.M. closing on a regular basis for the year 1975, weekdays - except Saturdays. The Board voted, on John King's motion, to continue the present policy with regard to the selling of alcoholic beverages. Individual requests for Friday 2:00 A.M. closing will be considered at that time.

DOWNTOWN CAROUSEL

John King directed the Executive Secretary to check into the activity currently being conducted on the downtown common. He said he was not under the impression that kiddie rides were approved - only Christmas music.

MEETING ADJOURNED AT 9:00 P.M.

  
John F. DelPrete, Clerk