

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN SEPTEMBER 21, 1976

The regular meeting of the Board of Selectmen was held at 7:30 P.M. Present: Mr. Peter W. Ablondi, Chairman, Mr. John F. DelPrete, Clerk and Mr. John F. King.

WARRANTS:

#23 - Sept. 20, 1975 -- Bill - \$241,010.97
#24 - " " -- Pay Roll - \$554,492.37

DANCE LICENSES:

Lilo's Club, 50 Hollis St., Odd Fellows Building, Sept. 25, 8 p.m. to 1 a.m.
Mrs. Mark Bobrick for The American Cancer Society, Sheraton Tara Hotel, Worcester Rd., Nov. 6, 8 p.m. to 1 a.m.
Lilo's Club, Odd Fellows Building, 50 Hollis St., Oct. 2, 8 p.m. to 1 a.m.

SPECIAL MALT BEVERAGE AND WINE LICENSES:

Lilo's Club, 50 Hollis St., Odd Fellows Building, Sept. 25, 8 p.m. to 1 a.m.
26th Quartermaster Battalion, Town of Framingham, Nov. 10, 6 to 12 p.m.
Lilo's Club, Odd Fellows Building, 50 Hollis St., Oct. 2, 8 p.m. to 1 a.m.
Class of 1978 Framingham State College, College Center (Forum), Sept. 30, 7 p.m. to 10 p.m.
Class of 1978 Framingham State College, Dwight Gym, Oct. 2, 8 p.m. to 12 p.m.

JUNK DEALER'S LICENSE:

Joel Carey d/b/a M & H Iron Metal Co., 47 Blandin Ave., Framingham.

LODGING HOUSE LICENSE:

Celia A. Watson, 93 Kendall St.

WRESTLING MATCH LICENSE:

Al Ritchie, Upper Nevins Hall, Memorial Building, Oct. 2, 7 p.m. to 11 p.m.

APPOINTMENTS:

The following were appointed special police officers:

Edmund Jakutis, 42B Second St., term 1 yr.
John Alford Hollister, 1325 Worcester Rd., term 1 year.
Ted Kennedy, 14 Byron Rd., Natick, term to expire with termination of employment with Bose Corp., Mountain Rd.
Robert H. Pryor, 37 Grove St., term to expire with termination of employment with Trustees at Edgell Grove Cmtry.

BUILDING VARIANCE:

It was voted to authorize the Building Commissioner to issue a permit to Douglas A. Savary for the construction of a tool shed at 6 Patricia Rd. with a 3' side yard.

JURORS:

The following jurors were drawn to serve at Cambridge on Nov. 1, 1976:

Voorhies, Douglas, Tech. Staff Mitre Corp., Box 208, Bedford, Ma., (Res: 491 Salem End Rd.)
Fish, Colgate V., Technician, U.S. Air Force Base, Hanscom AFG, Bedford, Ma., (Res: 26 Burdette Ave.)
Gediman, Maxine, Unemployed (Res: 6 Heather Dr.)
Lombard, Iris, L., Unemployed (Res: 93 Hastings St.)
Millman, Samuel, Furrier, C.F. Carlson, 17 Haven St., Framingham (Res: 8 Blackthorn Rd.)
Donovan, Wm. D., Ass't. Director, Gillette Co., Prudential Bldg., Boston, Ma., (Res: 12 Winifred Rd.)
Miles, Chas., Q.C. Mgr., Neico Microwave, 149 Middlesex St., Burlington, Ma., (Res: 393 Old Conn Path.)
Katziff, Stanley, Sr. Budget Analyst, Digital Equip., Westminster, Ma., (Res: 15 Clara Rd.)
Riley, Stephen T., Student, (Res: 18 Norman Dr.)
Furlong, James M., Mgr. Walker Scientific, 17 Rockdale St., Worcester, Ma., (Res: 20 Dana Rd.)
Zecker, Sumner, Salesman, CITC Inc., 1 Park Ave., N.Y., N.Y. (Res: 5 Horrigan Dr.)
Ryan, Mary E., Cost Analyst, GTE Sylvania, Needham, Ma., (Res: 1321 Worc. Rd.)

The following jurors were drawn to serve at Lowell on Nov. 1, 1976:

Baxter, Phyllis E., Clerk, Monarch Life Ins., 420 Prov. Highway, Westwood, Ma., (Res: 12A Beaver Terr. Circle)
Lackman, Lois, R. E. Broker, Price Ross Assoc., Worc. Rd., Framingham, Ma., (Res: 18 Sylvester Dr.)
Banks, Dorothea P., Housewife, (Res: 1230 Concord St.)
Cahill, Willard A., Jr., Research Technician, Bay State Abrasives, Main St., Westboro, Ma., (Res: 79 Leigh St.)

PROCLAMATION:

The Board proclaimed the week of September 28 to October 5, 1976 as REGISTER TO VOTE WEEK IN FRAMINGHAM, and the week of September 20, 1976 in Framingham as LEAGUE OF WOMEN VOTERS WEEK. Ann Arvedon, League President, was present to accept both proclamations.

CROSSING GUARD RESIGNATION:

The Board accepted with regret the resignation of Vera DelPrete as a Crossing Guard. Their sincere appreciation will be extended to her for her dedicated service to the Town.

CROSSING GUARD APPOINTMENT:

On the recommendation of the Personnel Director, it was unanimously voted to appoint Mary Mulkerrins, 63 Kellogg St., as a Crossing Guard to fill the vacancy caused by the resignation of Vera DelPrete.

RENTAL OF FARLEY BUILDING GYMNASIUM:

On the recommendation of the Superintendent of Town Owned Buildings and the Executive Administrator, the establishment of a specific rental rate for the use of Farley Building Gymnasium was discussed. It was pointed out in discussion by Mr. Clarke that when the gym was under the jurisdiction of the School Department they charged for custodian fees only, however, the cost of heat, light and maintenance, without any profit factor involved, should also be covered. Selectman DelPrete indicated that a realistic minimum charge should be established which would be comfortable for youth athletic groups to handle. Selectman King commented that the gym should be made available to youngsters without charge. Following additional discussion, the Executive Administrator was instructed to meet with the Park Department and the Superintendent of Town Owned Buildings and to submit their recommendations to the Board for review.

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STOP SIGNS:

A recommendation from Safety Officer Sergeant Foley for Stop Signs at the intersection of Concord St., Dennison Avenue and Everit Avenue was discussed by the Board. Selectman DelPrete said he had no objection to authorizing the sign, however, he felt it would be a wasted effort since traffic signals have been approved for this location and, therefore, would result in an unnecessary expense. The Board agreed to authorize the Stop Signs at this location if it is determined by Sergeant Foley that it will not be a wasted effort.

TRAFFIC DIVISION:

As a result of the above discussion, Chairman Ablondi directed the Executive Administrator to request the Chief of Police, or his designee, to furnish the Board of Selectmen with a list of all main thoroughfares in the town which require safety improvements; (traffic movement, stop signs, etc.) to be acted on simultaneously rather than on a piece meal basis. Selectman DelPrete agreed, suggesting particular attention should be given to disallowing "left turns" on heavily travelled main roads such as Union Avenue and Concord Street. Selectman King directed the Executive Administrator to invite the Police Chief to meet with the Board to review overall traffic problems in the town, and procedures to improve the traffic flow.

ADMINISTRATION/TOWN DEPARTMENTS:

Selectman King also directed the Executive Administrator to periodically invite department heads, under the jurisdiction of the Board of Selectmen, to meet with the Board on a rotating schedule to discuss the overall administration of their respective departments.

COUNCIL ON AGING/MEMBERSHIP:

Receipt was noted of a letter from the Council On Aging concerning the appointment of two members on the Council to fill existing vacancies. Mrs. McQuiston, Director of the Council ON Aging, will be advised that the Board of Selectmen will fill the vacancies, if it is determined that it is under their jurisdiction, in accordance with the Town By-Law.

CONSERVATION COMMISSION APPOINTMENT:

Receipt was noted of a letter from Lawrence H. Giargiari expressing an interest in becoming a member of the Conservation Commission and requesting the Board to consider him for appointment to this Commission. It was learned from Town Counsel that a joint meeting with Conservation Commission Members is required to fill a vacancy and the Executive Administrator was requested to schedule said meeting in the near future for this purpose.

SOUTH MIDDLESEX OPPORTUNITY COUNCIL (TABLED APPOINTMENT):

Removed from the table - and unanimously voted on the motion of Selectman King - to appoint Barry J. Walker to serve on the Board of Directors of the South Middlesex Opportunity Council (Vice Kahn).

HISTORIC DISTRICT STUDY COMMITTEE:

Removed from the table - and unanimously voted - to appoint Attorney Michael Sheridan as a member of the Historic District Study Committee to fill an existing vacancy.

REVIEW - CETA & SMOC PROGRAMS:

Selectman John King asked Mr. Clarke to schedule a meeting with the Director of the Ceta Program in the near future for the purpose of reviewing the entire program.

He also asked Mr. Clarke to schedule a meeting with Paul Houlihan, Director of the South Middlesex Opportunity Council, for an updated report on all on going programs.

FRAMINGHAM CENTRE PARKING:

At the Board's request, and on the recommendation of Planning Director Christy Maltas, it was unanimously voted to authorize the posting of "FOR RESIDENTS ONLY (PARKING)" signs on the section of Oak Street between Library St. and the driveway to Merriam Funeral Home. In connection with same, Planning Director Christy Maltas informed the Board that his department has initiated a more thorough study of the overall parking situation in Framingham Center, and the results will be forwarded to the Board upon completion. Chairman Ablondi asked Mr. Clarke to schedule a meeting with Mr. Maltas in late October, early November to review parking proposals.

SPECIAL TOWN MEETING - ARTICLES:

The Board reviewed six articles for inclusion in the Warrant for the Special Town Meeting to be held October 6, 1976. On the motion of Selectman DelPrete, it was unanimously voted to accept the six articles submitted for inclusion and the warrant was officially closed.

POLICE DEPARTMENT/COMPLAINT:

In connection with a recent incident involving members of the Police Department, Francis Devin met with the Board to register a complaint against several police officers and was informed by Mr. Ablondi that a written complaint had to be filed with the Police Chief, in accordance with Collective Bargaining guidelines, before the Board could consider the matter. Chairman Ablondi assured him that after receipt of the Police Chief's report on the matter, a hearing would be held if warranted.

UNDERGROUND STREET LIGHTING:

The Board discussed briefly the Planning Board's policy to require underground wiring in sub-divisions, and the resultant increased street lighting costs. Executive Administrator M. P. Clarke commented that the Planning Board's position in requiring underground lighting was that it increased the property valuation, thus, returning more tax revenue; however, the Board of Assessors' contention is that underground lighting could not be considered a factor for increasing property valuation. Mr. Clarke was directed to schedule a meeting with the Planning Board and the Board of Assessors to discuss alternative street lighting with the view to minimizing the town's continuing street lighting costs.

HALLOWEEN CELEBRATION:

Selectman John King directed the Executive Administrator to formulate plans and activities with the Police Chief for the youngsters in town so they can observe Halloween festivities.

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INCINERATOR CLOSING:

During the Selectmen's Meeting a discussion of the problems with the town incinerator and land fill operation was started by Chairman Ablondi in requesting a report from the Town Counsel concerning the pending hearing at Suffolk Superior Court. Town Counsel Bikofsky recounted the sequence of events leading up to a notification from the Suffolk Superior Court that a hearing would be held on the Attorney General's request to close the Incinerator and the Sanitary Land Fill location in the Town of Framingham on the 29th of September. The hearing is scheduled for September 28, 1976. The Selectmen were joined by Commissioner Dickson and Director Silva of the Board of Public Works. Chairman Ablondi commented that it was his understanding, following a visit with State Officials at the land fill site, that the operation would be allowed to continue. Mr. Silva concurred with his statement, however, he noted the necessary corrections required State and MDC approval and although the material was sent several weeks ago, there has been no response from either agency as yet. Mr. Dickson said he felt the state has not shown good faith since they have not moved very promptly on the material submitted. He added he was certain the land fill operation would be allowed to continue once the state approved the material sent to them several weeks ago. Selectman DelPrete questioned the situation concerning the town employees who would be involved in a cut back of the incinerator operation. Mr. Clarke, Executive Administrator, explained that through the efforts of the Personnel Director and the Director of Public Works it appeared that all of the employees who would be directly affected by a change-over to contracted trash haulage could be placed in other jobs in the Public Works Department. It was emphasized that these jobs might not be in exactly the same category as those they presently held since they would be in other divisions of the Board of Public Works but the opportunity existed because a freeze had been put on the process of filling jobs as they became available through attrition, retirement, etc. Selectman DelPrete commented that this was his primary concern in refusing to sign the consent order requested at prior meetings. The consent order was requested by the Attorney General's Office to confirm an agreement to shut down the incinerator by November 20, 1976. Town Counsel commented that if the consent order was signed by a majority of the Board of Selectmen, it could be submitted to the Attorney General's Office and there was a good possibility that the hearing in the court would be suspended and the Attorney General's Office would grant the extra time required. Selectman DelPrete said he would sign the consent decree with the understanding that the incinerator could be opened for testing purposes.

Selectman King, very much opposed to signing the consent order, told the Board he had contacted an expert consultant in New York who told him that a closure of the incinerator would be impossible under the E.P.A. and OSHA regulations unless there was a direct correlation to the protection of the health of the general public. Mr. King said since no information has been submitted that the public health is affected, he would recommend that the town enter into the hearing on the 28th of September with the position that the public health was not being impaired by the operation of the incinerator, and that no proof of this situation has ever been submitted. He further stated that the stringent requirements imposed by the State were virtually impossible to meet and the result would be outrageously high costs to the individual taxpayer. For these reasons, plus the fact that he has not seen any emission control test results, he said he felt it was mandatory to fight the proposed court order and the Board should refuse to voluntarily close the Incinerator. Commissioner Dickson of the Board of Public Works echoed the basic sentiment that he would like to fight the closure order on whatever grounds they could, but being realistic about it they felt that with the responsibility for disposal for trash and garbage, the unanimous vote of the Commissioners of Public Works was to recommend the signing of the consent order and the request for an extension of time. He said this was necessary to insure an orderly transition to the alternate trash collection method. A letter was read stating the similar position taken unanimously by the Incinerator Committee. Selectman DelPrete agreed that he also would like to fight the battle to the bitter end but was well aware of the fact that the state held all of the aces in this case and as a result it was time to throw in the hand and make the best of a bad situation. He motioned to sign the consent decree, agreeing to a November 20, 1976 closing date for the incinerator.

John King asked his colleagues to reconsider and not take any action until either the state proves their case and/or all the tests' results are in. He asked Town Counsel to recommend a course of action. Town Counsel said he was willing to pursue what ever course of action the Board determines is in the best interest of the town; however, it should be pointed out that although he felt there would be much to say in the town's behalf, he could not predict the outcome. In the town's favor is its good faith demonstrated throughout the problem; the fact that we are in litigation with the contractor; and the fact that last week's Special Town Meeting appropriated emergency funding (\$175,000) for alternate trash disposal. By the same token, he said, the state can say that it would not be a hardship to close the incinerator because the town has provided money for alternate trash disposal. The same thing would apply to the land fill operation since emergency trash hauling plans are being worked out. Other arguments against the town could be the fact that the town has been operating the incinerator for three years without submitted data required by the state, and the fact that when the town had the chance to appeal pollution standards, it did not do so. Specifically, Town Counsel noted, the Town might have been able to use the argument that the regulations were too strict, however, since it did not appeal when the administrative order was received (4 1/2 years ago), it is now too late to appeal. He concluded that although there are a number of arguments for keeping the incinerator open, there are also a number of arguments to the contrary. Following additional discussion, Selectman DelPrete repeated his motion to sign the consent order, using the basis that the town would gain more time through a voluntary shut down as opposed to the risks involved in going to court. Selectman King said he did not agree there were any risks involved in going to court since the town has an alternate means of removing the waste from the community. Mr. King moved that the consent order be left unsigned and the hearing in the court be attended with the intent of fighting the proposed closure order. Chairman Ablondi seconded Selectman DelPrete's motion and the consent order was signed by Selectmen Ablondi and DelPrete, on a two to one vote, specifying a voluntary shut down of the incinerator on November 20, 1976. John King voted in opposition.

EXECUTIVE SESSION:

On the motion of John King, it was unanimously voted to go into Executive Session for the purpose of preparing for litigation involving three cases.

MEETING ADJOURNED AT 9:30 P.M.


John F. DelPrete, Clerk