

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN - JUNE 1, 1981

The regular meeting of the Board of Selectmen convened at 7:30 PM. Present: Chairman John F. DelPrete, Clerk Claire F. Lavin, Selectman John F. King, Executive Administrator Matthew P. Clarke.

WARRANTS

#199 - June 1, 1981 - Bills - \$125,297.71
#200 - June 1, 1981 - Block Grant - \$721.52
#201 - June 1, 1981 - EDA Library - \$1,474.05
#202 - June 1, 1981 - Payroll - \$1,129,478.85
#203 - June 1, 1981 - Bills - \$94,459.70

LICENSES GRANTED

DANCE LICENSE

LATINAMERICAN CONFRATERNITY OF FRAMINGHAM (SMILES) to hold a dance at the Sharpshooters - 26 Concord Street on June 20, 1981, from 8:30 PM to 12:00 Midnight.

SPECIAL MALT AND WINE ALCOHOLIC BEVERAGE LICENSE

LATINAMERICAN CONFRATERNITY OF FRAMINGHAM (SMILES) at the Sharpshooters - 26 Concord Street on June 20, 1981, from 8:30 PM to 12:00 Midnight. Uniformed Police Officer to be on duty to be paid for by licensee.

LODGING HOUSE LICENSES

Harold Dubeshter, 58 Clinton Street, Framingham
Framingham Motor Inn, 1600 Worcester Road, Framingham

MOTOR VEHICLE LICENSE

Class II - Frederick A. Vitali - Advanced Auto Body, 171 Howard Street, Framingham

SECOND HAND ARTICLES LICENSES

Joseph Cohen of Framingham Used Furniture, 3 Second Street, Framingham
John D. and Mary J. Cella, 641 Waverly Street, Framingham

JOINT ELECTION

Board of Selectmen & Board of Library Trustees (vice Edward J. Burton, resigned)

Chairman DelPrete welcomed the Board of Library Trustees. John King moved to appoint John DelPrete temporary Chairman for this election. Mr. Pearsall seconded the motion. The vote was unanimous. Mr. King further moved nominations open for a new member of the Board of Library Trustees. Mr. Pearsall moved to nominate Richard J. MacDonald of 44 Crest Road. Mr. King seconded the nomination and further moved to close the nominations. Mrs. Lavin seconded the motion. Chairman DelPrete declared the vote unanimous and called for a roll call vote by name. By roll, J. DelPrete, Claire Lavin, John King, D. Pearsall, H. Fortier, J. Friel, R. Chesmore, K. LaChance, G. Bailey, J. Flinter, A. Foran and G. King each voted to name Richard J. MacDonald to the Board of Library Trustees. Chairman declared the roll call vote unanimous. Mr. MacDonald was congratulated. Chairman adjourned the meeting and thanked the Library Trustees for being present.

Prior to leaving, Chuck Flaherty, D. Pearsall, J. Flinter were asked by the Chairman to discuss the following two letters:

Letter from Permanent Building Construction Committee re: Framingham Central Library
Letter from Library Building Committee re: Maintenance of Library's HVAC System

The Library has had problems with the balance of heat during the past winter. Steps have been taken to remedy the problems. The Library has been in touch with Gene Oliva, Superintendent of Town-Owned buildings, for the on-going maintenance of the library as it will be the responsibility of the Town. There is presently a contract for maintenance when the system fails.

Chuck Flaherty reported the air-conditioning units come on automatically. The equipment was checked last week; it is working properly at the moment.

J. Friel suggests that a regular maintenance service be sought through an outside contractor.

At the time the Library was built, Mr. Orser was instructed on some of the maintenance, the training was sketchy, Mr. Orser is now retired, overall, that did not work out.

Mr. King asked how much money is left to be paid to Parini Construction Company.

There appears to be approximately \$36,000 outstanding.

J. Delprete stated that until the system works properly the Town will not accept the system.

It was agreed that Mr. Dixon who is an expert could help in this situation. Mr. Clarke was instructed by the Board to meet with Mr. Dixon -- from time to time there have been problems with the system which should be completely resolved before the Town accepts responsibility for maintenance of the system.

Mrs. Lavin also wants to be advised how much money is going to come from the Town-owned buildings budget each month for such maintenance -- she further requested that Mr. Orser come in next week to discuss this problem.

Chairman DelPrete thanked the assembly for the input.

June 1, 1981

C & W Ag Air Service of Hanson, Mass., will not be spraying the Town of Framingham as scheduled.

Over this past weekend, the owner of Ag Air received at least ten (10) telephone calls from individuals who stated that if the company flew over and sprayed their property, the helicopters would not fly any further. In addition, sometime between 8:00 p.m. Sunday evening and 4:00 a.m. this morning, there was damage inflicted to one of the helicopters in that nozzles that regulate the spray were either removed or tampered with.

The owner of Ag Air also spoke with representatives of the State Pesticide Control Board and the Federal Aviation Administration and they stated that they had also received threatening telephone calls regarding the company's proposed operation. The Federal Aviation Administration advised Ag Air that ~~they~~ the company should not conduct the flight if there were safety concerns on behalf of the company. As such, the company has stated, through its attorney, that because of the recent vandalism inflicted on its equipment and because of threats to its equipment and indirectly its employees, the company feels it cannot adequately insure the safety of the operation.

Specifically, the company is concerned not only with the safety of its employees, but also with the property and residents of the Town of Framingham.

The Company says it will not have its employees operate equipment worth \$200,000 under COMBAT CONDITIONS.

The Town is now considering alternatives available ^{the} for the spraying to control/gypsy moth situation.

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HEARINGS - Edison Petitions

Carol Clinton was present on behalf of the Edison Company to seek permission to erect such lines or wires, poles and fixtures including anchors and guys as may be necessary at Concord Street, easterly side approximately 20 feet north of School Street - One (1) Pole

One (1) exiting pole to be removed

Beacon Street - southwesterly approximately 85 feet northwest of Fairbanks Street
a distance of about 5 feet of conduit

California Avenue - westerly side at Worcester Road - One (1) pole
One (1) existing pole to be removed

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as said petitioner may desire for distributing purposes.

JO PETITION NET&TCO & BOSTON EDISON COMPANY

Pusan Road - southeasterly side approximately 285 feet northeast of Carlson Road

One (1) JO pole

One (1) existing JO pole to be removed

GRIEVANCE HEARING - Firefighter Harold R. Loker

Robert Hinckley, Grievance Officer, Harold R. Loker, Firefighter, and Chief J. Hancock were present to discuss Firefighter Loker's grievance. April 21, 1981, Mr. Loker was notified by letter from Chief Hancock that he was being taken off job-related sick status at the conclusion of his remaining vacation time. Mr. Loker believes the Chief is denying him his right to sick time. Chief Hancock replied that he is denying this grievance. Mr. Loker has been troubled with an ankle injury since 1977 when he was out of work 15 days, in 1978, he was absent 4 days, 1979, surgery was required which was performed by Dr. Willis (now retired) and the firefighter was absent from work a total of 46 days. In 1980, he was absent from March 15 until the end of the year for a total of 142 days. He worked a total of only 37 days in 1980. In January, 1981, Dr. Trott told Mr. Loker he could not return to duty as a firefighter. The Town did buy Mr. Loker a knee brace; however, three months later the doctor said he could not return to work. At that time, Mr. Loker requested medical retirement. The Framingham Retirement Board denied retirement stating the injury was not in the line of duty. Mr. Loker is filing an appeal to the Appeal Board -- at present, the matter is in the hands of Attorney Neil Rossman. Mr. Loker's last vacation day will be June 13, 1981.

Mr. Hinckley is asking that a medical panel decide whether Mr. Loker's injury is in the line of duty. The 1977 injury occurred at the Hollis Street fire station. So far, the Town has paid all the bills. Mr. Hinckley contends 107 days of sick leave remain on the books. The Chief now says: "no more pay" -- I am here on behalf of Mr. Loker to appeal this matter. He is entitled to sick leave pay for non-department related injuries or sickness. You are either paid, or you are retired. Mr. Loker has worked for the Town 18 years plus 7 or 8 months. He could be retired.

Mr. King asked: If we uphold this grievance tonight, what happens after the 107 days run out? How is this case going to be resolved?

R. Hinckley: I would say he applies for relief to the sick-leave bank. The contract states: you will be paid until you are placed on disability retirement.

Chairman with the concurrence of the Board declared: "in an effort to do what is best for the firefighter -- the matter will be taken under advisement."

Prior to adjourning, the Board discussed the fact that Mr. Loker is not eligible for disability retirement as advised by Town Counsel based on results of two similar cases heard by the Supreme Court. It also was established this Board has seven days in which to respond to the grievance.

Mrs. Lavin asked: "When do we bring this to conclusion?" If the Chief maintains a man on sick leave that is one less man he can have on duty. We are unable to replace that person. That's hardship to the Department. Mrs. Lavin moved to deny the appeal. Mr. King seconded Mrs. Lavin's motion. Chairman stated he is opposed and declared the vote stands at 2/0 with Chairman DelPrete opposed.

UNSCHEDULED DISCUSSION

Selectman King requested Chairman DelPrete to recognize the group of citizens present (not on the agenda) to discuss the gypsy moth problem

Chairman DelPrete recognized the group present and invited Mrs. Lee Mason to come forward. Chairman then read a prepared statement (see attached). Chairman stated that Framingham has released C & W Ag Air Service of Hanson, MA from its contract with the Town of Framingham and that the Town is now considering alternatives available for the spraying to control the gypsy moth situation.

Mrs. Mason advised the Board that if the spraying did take place, if there were any sort of damages or negligence, they would sue. Their protest was taken to court. They lost their court case. It was done with as much courtesy as the group could muster, she concluded.

Executive Administrator M. P. Clarke stated: "Ag Air is very concerned about the safety of their equipment and the people. There have been threats to their lives and there has been damage to their equipment. The Tree Warden has been asked if there is any ground spraying available. The dispersion is harder to control from ground spraying, but the Town will still pursue every avenue possible to carry out Town meeting's mandate.

Town meeting member, Diane Shay, Pct. 6, stated people want their yards sprayed to protect their homes. The people in her precinct have been calling her asking for the spraying.

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Gypsy Moth Problem (Continued)

Richard Paul of Precinct 3 remarked that as early as last July, Framingham approved spraying Framingham with BT. He would have expected it to be completed by this time.

Everyone agreed, there has been a lack of proper communication. In the future, it is hoped there would be more informative bulletins released to the media.

Resident Walter Siggins is totally for spraying as are the great majority of people throughout the Town. Mr. Siggins would like to see an investigation of the people who so brazenly intimidated the owners of Ag Air. That is obstruction of commerce and it is a serious offense.

Another resident (unidentified) received applause when she stated a majority's rights cannot trespass a minority's rights.

Chairman noted the fact remains that the ratio is about 20/1 in favor of spraying. That is a strong majority.

Selectman King pointed out there is a Town meeting mandate. It is not the wish of a minority. It is a mandate of Town meeting. Mrs. Mason took the case to court, she lost. The Board is merely extending a courtesy by discussing the matter this evening.

After hearing all sides and giving ample time for dialogue, Chairman thanked everyone for being here this evening, concluding that the Tree Warden is trying to find a firm that will do ground spraying in Framingham.

CONFERENCE - Louis Monaco re: request to submit application for Beer & Wine License at 795 Concord Street
Chairman called for Mr. Monaco or a representative. No one came forward. Chairman instructed Executive Administrator M. P. Clarke to announce the conference in the corridors. Still no one came forward. Chairman dismissed the conference in the absence of principals.

Letter from Board of Public Works re: installation of signs

The Board is being advised of the anticipated cutback in funds for the installation of signs. It will be impossible to erect any signs except those which are absolutely necessary. The Board noted receipt of the letter.

Letter from Human Relations Commission re: Fair Housing Seminar

The Board noted that the Seminar will be at Framingham State College on June 30th.

Letter from Yankee Atomic Electric Co. re: request for support of construction of foot bridge on Route 9

The Board agreed to go along with that.

Letter from MBTA re: operation of bus service on former bus route #531

The Board noted receipt.

Notice of DPU hearing re: petition of Quickway Transportation, Inc.

The Board noted receipt.

Invitation to attend photographing session of newly renovated Koala Inn

The Board noted receipt.

Letter of Protest re: Macomber Farm operating hours

Sam Tract who represents the Macomber Farm area residents told the Board his group believes someone actually violated the law and they were allowed to continue to violate the law. Nothing was done about it. The people who were administering the law were the ones taken to court. It appears to be somewhat mixed up. Approximately a month later, Judge Good sent out his famous "no" with no further explanation. Mr. Tract finds the answer should not be "no" -- it should be "yes". A mandate allows this Board to set the hours for that facility. The same mandate limits the number of vehicles allowed to park and it is hoped that they would limit the advertising so that attendance will be limited. As it now stands, there are a few more vehicles each Sunday. They are rapidly approaching the parking limit on Sundays.

Selectman DelPrete pointed out to Mr. Tract that the Judge overruled a temporary injunction. The Town is now seeking a permanent injunction. During Mr. Bikofsky's absence Counsel Arthur White is Acting Town Counsel and he is trying to get information for the Town since we intend to go ahead with this course of action.

Sam Tract stated his concern is that the people certainly don't want 30,000 cars going down a residential street. They are merely trying to regulate the flow of traffic so that it doesn't become a full fledged tourist attraction.

It was agreed, there is an obligation to defend the integrity of the planning process. The Judge's order will be appealed through the democratic process.

The possibility of meeting privately with everyone from Macomber was discussed.

M. P. Clarke advised Mr. Tract and his group that the Town succeeded in moving the DPU hearing for the Big W Transportation application to Framingham. The meeting will be held in Nevins Hall, June 16 at 10 AM. It is hoped that area residents will be present for that meeting.

Chairman thanked Mr. Tract for his presence this evening.

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Report of Fire Department Overtime
The Board Noted Receipt.

UNFINISHED BUSINESS

Appointment - Board of Assessors

The Board confirmed that the appointment of Thomas Ball as Assessor is effective as of June 1, 1981.

Railroad Station Revitalization

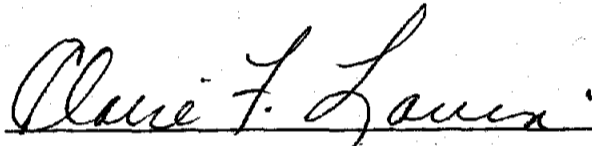
Mr. Clarke reported that Mr. Maltas is scheduled to report on the progress toward the revitalization of the Railroad Station. The Board can expect to receive a complete report next Monday night from the Land Bank Group. The Board requested that M. P. Clarke notify the developer in the event he should so choose to be here next week and firmly established there is no encumbrance on the part of the Town for past services.

Request for Hot Dog Stand from Mike Bilinsky

Mrs. Lavin requested a complete report of findings as a result of Mr. Bilinsky's request be available to the board next Monday evening. Mr. Clarke will have the report available and will ask Mr. Bilinsky to be here.

Chairman called for further new, old or unfinished business. Hearing none, he called for a motion to adjourn. Mrs. Lavin made the motion to adjourn. Mr. King seconded the motion.

Chairman adjourned the meeting at 10:30 PM.



CLAIRE F. LAVIN, CLERK