

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN JULY 13, 1981

The regular meeting of the Board of Selectmen was held at 7:30 P.M. Present: Chairman John F. DelPrete, Clerk Claire F. Lavin, and Selectman John F. King.

WARRANTS:

#221 - June 30, 1981 - Block Grant \$1,822.19
#222A - " " " Bills \$119,677.88
#223 - " " " Block Grant \$1,506.86
#224 - " " " Rehab. Acc. \$5,000.
#225 - " " " Bills \$6,154.71
#226 - " " " Water Dep. \$53.26

#5 - July 13, 1981 - Payroll \$556,087.90
#6 - " " " Bills \$3,516,766.04

AUCTIONEER LICENSE & TO HOLD AN AUCTION THEREAT-Herman M. Hurwitz at Holiday Inn, July 24, 1981, 7-11PM, Oriental Rugs.

COMMON VICTUALER'S LICENSES:

Philip R. Ottaviani and Libero Orcianelli, 1656 Worcester Road
Pizzaville, Inc., 94 Union Avenue

LODGING HOUSE LICENSES:

Robert L. Hughes, 100 Pearl Street
Howard McCann Realty Trust, 12 Lexington Street

SPECIAL ALL ALCOHOLIC BEVERAGES LICENSE:

Framingham Committee for Dukakis, Scott Hall, Unitarian Universalist Church, August 10, 1981, 8 P.M. to 12 Midnight.

RATIFICATIONS:

Permit to open, occupy & obstruct street:

Adam Realty Trust, 43 Treeland Drive, 7/14/81 A.M. to 7/14/81 P.M.
New England Tel. & Tel. Co., Opp. P.98 Edgell Road, 7/6-7/10/81
Commonwealth Gas Co.: 44 Elda Road, 7/14-8/14/81
10 Auburn Street, 7/14-8/14/81
33 Lincoln Street, 7/9/81-8/9/81
3 Lavelle Lane, 7/9-8/9/81
8 Curve Street, 7/7-8/7/81
104 Mansfield Street, 7/7/81-8/7/81
Hartford Street, July 1981 to October 1981
483 Belknap Road, 7/3-8/3/81

APPOINTMENTS:

Special Police Officer - Joseph A. Vaverka Jr., 173 Harvard Street, Malden, MA, for a term of duration of employment at the Chateau DeVille Property only.

CHANGE OF MANAGER - LIQUOR LICENSE:

It was voted to grant change of manager to Howard Johnson Company d/b/a The Ground Round, 1699 Worcester Road, Framingham, subject to the approval of the Alcoholic Beverages Control Commission from Fred Wilson, present manager to William Golden, new manager, All Alcoholic Restaurant.

It was voted to grant change of manager to Howard Johnson Company d/b/a Howard Johnson's Restaurant, 1600 Worcester Road, Framingham, subject to the approval of the Alcoholic Beverages Control Commission from Alan H. Colby, present manager to Harry Parks, new manager, All Alcoholic Restaurant.

HEARING - JO PETITION NEW ENGLAND TEL. & TEL. AND BOSTON EDISON COMPANY:

Carol Clinton of the Edison Company was present to petition the following permit from the Board:

Edison Company and New England Tel. & Tel. Co request permission to locate poles, wires, cables, including anchors and guys along the following public way:

Maynard Road, southwesterly side approximately 51 feet northwest of Salem End Road, One (1) JO pole

Hearing no opposition, Chairman John F. DelPrete made the motion to grant said permit. Claire F. Lavin seconded the motion.

APPOINTMENT - HUMAN RELATIONS COMMISSION:

It was unanimously voted to appoint Janet Sullivan, 482 Brook Street, Framingham, to the Human Relations Commission, for a term to expire May 1, 1983 (vice - Dale Katziff, resigned).

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ALCOHOLIC BEVERAGE APPLICATION - William F. Fox and Pong Ye Van Cleave

A hearing on the application of William Fox to sell alcoholic beverages as a restaurant at 1672 Worcester Rd. was held. Attorney Richard DeAngelis representing the applicant explained that it was intended to create a completely separate facility on the westerly side of the lower floor of 1672 Worcester Rd. to serve meals in a unique fashion where they were actually prepared at a special cooking station surrounded by eating locations. It is intended that a separate kitchen facility will be established and the restaurant will be entirely separate from other operations within the same building. A discussion of the seating plan and layout led to a request by the Board of Selectmen that such a plan in detail be submitted along with a parking layout for the entire operation including those remaining in the balance of the building. It was agreed by the applicant that such a seating plan and layout of the restaurant itself as well as the parking layout would be submitted to the Selectmen's office by July 20, 1981. As a result of this agreement, Selectman King moved that the application be taken under advisement until after a review of the plans to be submitted. It was unanimously voted to take this action.

APPLICATION OF GETTY REFINING AND MARKETING COMPANY FOR ADDITIONAL STORAGE OF 4,000 GALLONS OF GASOLINE AT 1060 OLD CONNECTICUT PATH

Representatives of the Getty Company made a presentation of the proper notification records and a description of the proposed replacement of existing storage tanks with larger capacity storage tanks. A letter of approval from the Fire Chief with the conditions was accepted by the Board of Selectmen. Several questions concerning the operation and the reasons for the change were answered by the representatives of the company. Mr. Stroschio lodged an objection as a neighbor because of the potential danger to him which resulted from the proximity of his residence. After discussing this objection and pointing out that the change would be beneficial instead of detrimental, and would insure greater safety, the Board voted unanimously to grant the authorization for the increased storage and the change in storage facilities.

GRIEVANCE HEARING - JAMES CREEDON - ENGINEERING DEPARTMENT

In compliance with the terms of the existing labor agreement, a second step grievance hearing was held at the request of James Creedon. Mr. Creedon was accompanied by W. O'Keefe who represents the bargaining unit as well as R. Cooney, the shop steward. F. Sergeant, Town Engineer represented the department. Mr. Creedon supported by Mr. O'Keefe stated that he felt that the Involuntary Leave of Absence which he had been placed on effective July 1, 1981 was unfair because he was not the least senior man in the category in his department. It was noted that the labor agreement is silent on the question of reduction in force. In addition, Mr. Sergeant cited an extremely poor attendance record which over a three year period had shown a practice of utilizing sick leave time at its fullest in addition to vacation time and personal days and taking additional time as unpaid time off. He further stated that the reductions which were mandated by the passage of Proposition 2½ resulted in his decision that for the benefit of the Town and the department, Mr. Creedon should be chosen as the individual to be put on unpaid Involuntary Leave of Absence because the contract was silent in this regard and in his managerial judgement, the less senior employee who might be considered was far more effective in the operation of the department. Selectman King specifically asked if the question of poor attendance would have been brought up under the circumstances of 2½ not requiring a reduction in departmental strength. Mr. Sergeant responded that this would not have been the case if they had not been forced to reduce their compliment of employees. Mr. King stated that despite the contract being silent on the reduction in force procedure, because a seniority precedent had been set with most of the other labor contracts, he felt we should be consistent and have seniority the prime factor in the selection of employees to be put on Involuntary Leave of Absence. On this basis, he moved that the grievance be upheld and a seniority procedure be adopted in any layoffs. This motion was seconded by Selectman Lavin and voted unanimously by the Board. Mr. Sergeant was instructed to reinstate Mr. Creedon effective July 14, 1981 and make the reduction in force according to seniority.

The Board noted receipt on the following letters:

Letter from Lt. Foley re: inspection of Hackney Vehicles

Letter from Planning Department re: fence around the railroad station

Letter from Planning Department re: the interim use of Lincoln School

Letter of appreciation from South Middlesex Area of Chamber of Commerce

Letter from State Department of Transportation re: temporary closure of Route #9 openings

Letter from Venda-Juice re: issuance of coin-operated machines

Letter of appreciation from the Town of Sudbury

Copy of letter from Christy Maltas re: use of surplus schools

Letter from the Human Relations Commission re: the layoffs of minority employees

Memo from Town Counsel re: the Geraldine McGrath case

Letter from Fire Chief re: vacation period and appointment of Deputy Chief Knight as Acting Chief

Invitation from the Exchange Club to attend the dedication of a Freedom Shrine on July 13, 1981.

Invitation from the American Red Cross to participate in a celebrity swim

Progress Report from David Cella to Dr. Dennis Golden concerning traffic problems in the Framingham State College area.

Invitation for participation of local groups to attend the World's Fair in Knoxville, Tennessee

Letter from George Seeley concerning court action re: Baker Fence

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AVAILABILITY OF PENN CENTRAL TRANSPORTATION COMPANY LAND

Letter from Department of Public Works was referred to Town Counsel for review of the proposed sale arrangement on Penn Central land adjacent to Route #9 to determine if the proposed arrangement would provide the relief of payment for waterline easements which are sought by the Department of Public Works.

OCCUPANCY OF SINGLE FAMILY DWELLINGS BY NUMBERS OF UNRELATED PEOPLE

Letter from Building Commissioner recommended that the Town Counsel and Building Commissioner prepare an article for submission to a future Town Meeting to define a single family residence occupancy and the description of a family unit in order to enforce proper occupancy of such units. The Board voted unanimously to recommend to Building Commissioner that he follow the process he outlined.

EVERIT AVENUE TRAFFIC CONTROL

A letter from Town Engineer indicated that the requirements for limitation of commercial vehicle use of Everit Avenue and Lawrence St. were not met by the traffic counts recently made. It was pointed out that the initial response from the trucking companies utilizing these streets were very cooperative and they agreed to limit or eliminate these uses. It was requested that the residents of the area be notified of the progress being made.

REQUEST FOR SPECIAL HOURS - SAMPAN RESTAURANT - CONCORD STREET

A letter requesting an extension of hours on Saturday evening beyond the limitation of the hours for the All Alcoholic Beverage License for this establishment was reviewed. It was determined that it would be detrimental to the well-being of the Town to allow a restaurant with an All Alcoholic Beverage License to continue to serve food after the expiration time of the All Alcoholic Beverage License. It was unanimously voted that the current regulations remain in effect. A further request for a change in the opening hours on Sunday to Noon for the serving of alcoholic beverages with food be considered. The Board voted unanimously to modify the license issued to the Sampan restaurant to allow them to start service at Noon on Sunday.

A PETITION CONCERNING THE AGEAN RESTAURANT

A petition in support of the issuance of a beer and wine license to the Agean Restaurant was noted by the Board. The consideration of this license application is tabled and will remain tabled until such time as a court ruling is made on the prohibition of issuance of a license if the business is within 500 feet of a church or school.

PLANNING DEPARTMENT REORGANIZATION

The recommendation contained in a letter from Christy Maltas, Planning Director, was to maintain the current staff. It would be necessary to fund a portion of a position from the contingency fund under community development funding. It was pointed out that this would leave a very small contingency fund for the coming year. It was voted unanimously by the Board to direct the Planning Director to maintain the current staffing by this procedure. In addition, it was unanimously voted by the Board to utilize \$3,116.00 from the contingency fund to supplement the already appropriated funds to accept the low bid for a waterline to be installed on Dudley Road.

SOUTH MIDDLESEX AREA CHAMBER OF COMMERCE LETTER RE: TRANSPORTATION

A letter requesting input from the Board of Selectmen concerning transportation problems existent in the area was referred to the Police Department and the Planning Department for information to be provided to the Chamber of Commerce as soon as possible.

FIRE DEPARTMENT OVERTIME REPORT

A review of the Fire Department overtime report resulted in a question on the reasons for the manpower overtime requirements. The Executive Administrator was directed to require that the current reports be evaluated and reasons for the manpower requirements be listed under one of three major categories. These three major categories were shortage of staffing, scheduled vacations, and sick leave replacement. It was requested that this type of information be included on all future overtime reports.

COURT ORDER - PAYMENT FOR FIREFIGHTER HAROLD LOKER

A copy of the court order restraining the Town from removing Firefighter Harold Loker from the payroll with an accompanying letter from the Town Counsel recommending acceptance and procedure for review. By unanimous vote, the Board agreed to accept the court order and advise the Fire Department to comply with it.

ATTORNEY'S FEES - NICHOLS CASE

A review of the responses to questions posed at the prior Selectmen's meeting concerning the payment of legal fees for individual police officers in civil actions resulted in a unanimous vote of the Board of Selectmen to pay the bill for legal counsel which had been submitted for \$1,875.00 for the defense of 2 police officers who were exonerated in the civil case.

PARKING PLAN - JONATHAN MAYNARD SCHOOL

Selectman King requested that Framingham State Teacher's College and the Framingham Children's Center be requested to submit a Parking Plan for their utilization of the Jonathan Maynard School in the upcoming year. This parking plan request was made to prevent problems when the evening classes begin. Such a request will be made of the lessees of the building.

THE MEETING WAS ADJOURNED AT 9:10 P.M.


CLAIRE F. LAVIN, CLERK