

TOWN OF FRAMINGHAM

SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN FEBRUARY 1, 1982

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

WARRANTS:

#125 - February 1, 1982 - Bills \$202,961.63
#126 - " " " Bills \$3,600.00
#127 - " " " Payroll \$991,333.53
#128 - " " " Bills \$3,242,738.60

SPECIAL ALL ALCOHOLIC BEVERAGE LICENSE:

Dennison Associates , Dennison Associates Clubhouse, 1 Bishop Street, February 20, 1982, 6:30 P.M.-12:00 Midnight

SPECIAL MALT BEVERAGES & WINE LICENSE:

Framingham State College, College Center, February 5, 1982, 7 P.M. ro 12 Midnight.

CHANGE OF MANAGER - LIQUOR LICENSE:

The Board voted to grant change of manager to Howard Johnson Company d/b/a Howard Johnson's, 1600 Worcester Road, Framingham, subject to the approval of the Alcoholic Beverages Control Commission from Harry Park, present manager to Eileen M. Kennedy, new manager, all alcoholic restaurant.

APPOINTMENTS:

Town's Representative to the Danforth Board of Trustees -

Bruce M. Garvin, 45 Delmar Avenue, Framingham, for a term to expire May 1, 1983

Marie Jardine, 683 Water Street, Framingham, for a term to expire May 1, 1983

Permanent Crossing Guard and Special Police Officer - Dorothy Capello, 264 Union Avenue, Framingham, for a term of duration of employment as Crossing Guard.

HEARING:

Boston Edison Company Petition:

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

Wellington Avenue - northerly, approximately 326 feet southeast of Herbert Street, a distance of about 45 feet - conduit.

Hearing no opposition, Chairman John F. DelPrete made the motion to grant said permit. Claire F. Lavin seconded the motion. As usual, John King left the room to prevent any question of possible conflict of interest.

POLICE DEPARTMENT GRIEVANCE HEARING - OFFICER KENNETH F. POND

The Chairman established the fact that the hearing was taken place under Civil Service regulations. Attending the hearing were Attorney William Keiley, representing Patrolman Kenneth Pond, Chief Arthur Martins and Lieutenant Charles Muto. Attorney Keiley stated that it was his understanding that Military Leave must be granted. He asked that the 3-day suspension which had been imposed on Officer Pond be rescinded because Officer Pond was on National Guard Duty. Chief Martins responded that Officer Pond had been given several options in writing to cover the requirements for his police duties in any instance where National Guard Drill was required. He referred to a letter dated January 11, 1982 to Officer Pond outlining those options. He further stated that since Officer Pond had not reported his requirement for time off or any indication of the arrangements to be made - he was considered AWOL. Officer Pond, upon questioning, stated that he had told Lt. Muto on or about January 14 while he was on police duty that he would be required to serve on National Guard Drill that following weekend. It was stated that he had approached Lt. Muto while Lt. Muto was serving on special assignment duty at North High School. He was reported to have given Lt. Muto a slip of paper with the dates of his pending drill. Lt. Muto responded that he would have to adopt one of the options outlined in the letter of January 11 and that merely handing him a slip with dates on was not adequate. After a discussion, Selectman King suggested that perhaps the Chief and Officer Pond could discuss the matter further and come to some agreement. Chief Martins said that there was no point in pursuing the matter further, that the facts spoke for themselves and he was not intending to change his position.

The Board of Selectmen took the entire matter under advisement on Monday evening, the 1st and during a special meeting on February 2nd, it was voted that the situation developed from an apparent misunderstanding on the part of Officer Pond concerning the regulations for covering National Guard Drill requirements. As a result, the 3-day suspension was rescinded and notification of procedure to be followed in the future was sent to Officer Pond.

GRIEVANCE HEARING - OFFICER EDWARD PALETSKY

A grievance hearing had been scheduled at the request of the Framingham Police Association concerning sick pay for Officer Edward Paletsky. By a verbal request to Selectman King, Officer Paletsky requested that the grievance be withdrawn. The Board noted the fact that this grievance had been withdrawn.

REPORT OF DEQE - GENERAL CHEMICAL CORPORATION

Many residents of the Leland Street area participated in the review of a report from the Department of Environmental Quality Engineering concerning the operation of the General Chemical Corporation on Leland St. Senator Edward Burke introduced Mr. Glenn Gilmore of DEQE. Mr. Gilmore stated that the nature of their inspection was looking for very specific points. He stated that the review regulations that apply to this type of facility and that they find that there were no violations in this instance and that the inspections are made to see that the license is issued by DEQE is consistent with the regulations of the Fire Department.

General Chemical Corporation was represented by Mr. Richard Gardner, Mr. Joseph Gillis and Mr. William White. The residents of the area were represented by Attorney Saul Ostroff. Attorney Ostroff presented a volume of questions and concerns relating to the DEQE Report on General Chemical. A lengthy question and answer period followed during which Mr. Gilmore and Representatives of General Chemical Corp. addressed their prevailing concerns.

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The outstanding questions presented by the Attorney representing the residents of the area had to do with the types of chemicals which can be stored, the interpretation of the license stating for private use and concern over the various methods of operation as they pertained to the licenses issued by the Town and by DEQE. They stated a concern that the chemicals which were listed in the license for private use were being resold. Mr. Gardner responded that he was not aware that it was required that you have a license to sell chemicals.

Attorney Bikofsky commented that after reviewing the several licenses which were available, he still remained unsure of what "and other products" referred to in them. Mr. Irwin Talbot asked whose responsibility the air quality is. The answer from Mr. Gilmore was that it is the responsibility of the DEQE.

Thomas Potenza questioned whether or not the General Chemical Corp. had permission to use railroad land which abutted their property. The answer was that it was used only on rare occasions. Mr. Potenza responded that he had a copy of a letter from Conrail stating that there was no specific permission granted for use of their property. Mr. Gardner commented that they were very pleased with the report of the DEQE and further stated that safety was of extreme concern to them because it affected their operation and their employees just as much as it affected the residents in the area.

It was suggested by Mr. DelPrete that some of the issues be researched further. In summary, Mr. King requested clarification of the following issues:

- (1) Zoning
- (2) Existing Licenses
- (3) Chemical Storage in the area

Mr. Richard D. Kennedy, Principal of the Woodrow Wilson School requested a fourth item be added. That was a question of law. He asked that the Board request the Town Counsel to check into the applicability of Chapter 21B, Section 19 and Chapters 111, Section 150B. At the conclusion of the discussion, it was recommended that Mr. Clarke meet with the Town officials directly involved and that a further discussion be held within the next 2 to 3 weeks.

The Board reviewed a letter dated February 1, 1982 from the Personnel Board with a recommendation that they appoint Jane Tomolonius, the current clerk serving in the Office of Veterans Affairs to the temporary position of Veterans' Agent and appoint M. Clarke to the position of Director of Veterans' Services on a temporary basis. This would allow John Murtagh to retire as he had scheduled during the month of February and still continue coverage of the Veterans' Office while a review was made with the Personnel Board concerning job specifications. By unanimous vote, the recommendations of the Personnel Board were accepted and the 90-day temporary appointments were made to be effective upon the retirement of John Murtagh. It was further requested that the Personnel Board be scheduled to meet with the Board of Selectmen on February 8 during the regular Selectmen's meeting.

A letter from Building Commissioner, George Seeley requested that the Board of Selectmen appoint Mr. John J. Belland of Myrtle St., Mendon as the acting temporary Plumbing & Gas Inspector. As a result of this recommendation, the Board of Selectmen voted unanimously to make such appointment to replace the retiring Plumbing & Gas Inspector.

At the request of Lt. Robert Foley, the Board of Selectmen appointed Mrs. Dorothy Capello as a regular Crossing Guard and agreed to arrange for appointment of 2 spare Crossing Guards.

A review of a letter requesting more stringent regulations for control of handicapped parking spaces was referred to the Town Counsel and the Police Chief for recommendations.

At the request of the President of the Danforth Museum, the Board voted unanimously to appoint Bruce M. Garvin of 45 Delmare Avenue and Marie Jardine of 683 Water Street to terms of one year as Town representatives to the Danforth Board of Trustees.

The request for appointments to the Human Relations Commission was voted to be tabled and remain on the table until further notice.


The Board noted receipt of the following items:

Report of Fire Department Overtime
Interim Report of the School Capital Planning Committee to the School Committee
Letter from the U. S. Oil Conservation Service re: Baiting Brook Water Shed

In a discussion of a memo from Town Counsel concerning coin-operated machines, the Town Counsel stated that regulations might be set up by the Board such as hours of operation, etc., only after a public hearing is held. He further recommended that it would be well to establish the definition of an amusement center. It is expected that this will be established at a public hearing for the purpose of establishing regulations sometime in the future.

As a result of a letter from Planning Director, Christy Maltas concerning procedures for seeking a tenant for the 3rd floor of the Farley Building, it was agreed that Mr. Maltas and Mr. Clarke should discuss the matter and take the necessary steps to arrange for designation of brokers to seek tenants. If it was possible to set up co-brokers, this would be followed and if not, one of the 2 brokers would be chosen as the exclusive representative.

The meeting was adjourned at 11:00 P.M.


CLAIRE F. LAVIN, CLERK