

Legal redress considered for town's tainted wells

By LESLIE PHENNER

WEST SPRINGFIELD — Selectman Chairman Richard C. Newman said yesterday he will pursue legal remedies to the town's drinking water supply problem.

West Springfield has had to buy its drinking water from Springfield since 1984, when the carcinogen ethylene dibromide was found in four town-owned wells in Southwick.

Newman said there is "a distinct possibility that (chemical manufacturing companies) could be held liable" for the contamination of the wells.

He said the town's situation could be compared with cases involving asbestos manufacturers who were held accountable when that material was found to cause cancer.

Meanwhile, the town will search for alternatives to buying water

from Springfield in Phase II of a \$250,000 state-funded study.

This week, the state Department of Environmental Quality Engineering recommended against considering the Connecticut River as a viable water source because of the combined sewage overflow in the river, said Roland Dupuis, DEQE Deputy Regional Director for Water Programs.

The river was mentioned as a possible source in a report issued

by town engineering consultants Tighe & Bond of Easthampton.

The river is not a Class A drinking water supply, and so is "one of the ... least desirable options," Dupuis said. Some Eastern Massachusetts municipalities have resorted to using the Merrimac River as a drinking water supply, but surrounding towns had no alternatives, Dupuis said.

Dupuis said he is concerned about the quality of the Connecticut River water because tests are

not regularly conducted to monitor toxins in sewage overflows.

However, treatment of the Connecticut's water is feasible. "Nothing is impossible if you want to spend the money," Dupuis said, but he believes that alternative would be much more expensive than buying Springfield water.

Newman said that while Phase I of the study identified the scope and source of the problem,

Phase II will identify all possible solutions.

Phase I, conducted by Tighe & Bond last year, identified the source of the problem as pesticides used in tobacco fields around the Southwick wells.

Newman does not view the DEQE's stance on the use of the river as an impediment to solving the water problem. The town will examine all options and determine how to handle the situation, he said.

Board Oks radio tower

By LESLIE PHENNER

WEST SPRINGFIELD — The Zoning Board of Appeals last night unanimously voted to grant a variance allowing a radio station owner to erect a tower and transmitter on Center Island in the Westfield River.

Attorney Edward Leja, representing Manuel Angelo, president of WACM radio, told the ZBA that Angelo was willing to comply with conditions set last month by the Planning Board requiring that the transmitter building not be placed on the island, that no fencing be installed around the tower and that a concrete post be installed upstream to protect against flooding debris.

The ZBA had expressed concern about the town's possible disqualification from the National Flood Control Insurance Program because the area lies on a flood plain.

But Planning Board Chairman Paul T. Cummings and Town Planner Robert D. Spaulding said that the town's flood insurance policy was not in jeopardy based on information obtained from the state Department of Environmental Management and the Federal Emergency Management Agency. "We have no qualms" about placing the tower on the island, as long as the Planning Board's stipulations are honored, Cummings said.

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WACM-AM is a 1,000-watt Portuguese-Spanish speaking radio station which broadcasts music and sports events. Angelo said replacing the 150-foot tower now on Sylvan Street with a 394-foot tower on the island will increase his listening audience ten-fold and will enable him to reach Hartford's Spanish-speaking citizens.

Leja said that Bart Truck Equipment Co. on River Street, near Center Island, will lease out space for the new transmitter building.

Lyman Steele of 98 Hampden St. opposed Angelo's request because the tower would increase radio static and would be an eyesore, he said. He also said he was concerned for the environment.

"What's flood zoning for, if we're going to keep allowing things to be built in (flood plains)?" he added.

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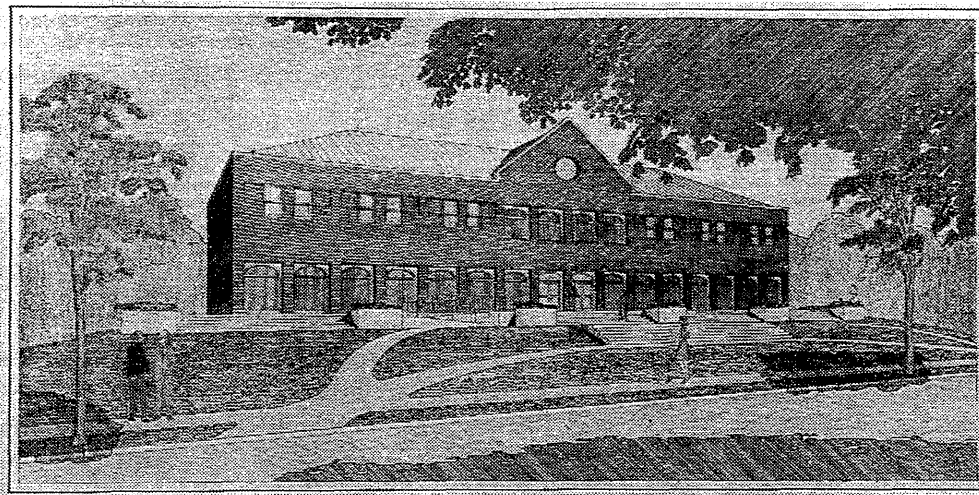
In other action, the Board unanimously denied a request by Yose C. Maria to build a two-family house on one of two lots on Hayes Avenue, off Riverdale Street. The Board decided that Maria would not face hardship if the variance were not granted.

About ten residents voiced opposition to Maria's request, citing the potential for increased traffic flow in an already congested area.

Maria requested the variance because the lots in question have 60-foot frontages. Town by-laws require a 90-foot frontage in an area zoned for Residential B use, Cummings said.

Hayes Avenue residents argued Maria's son Manuel had not moved into a duplex he owns on that street. Manuel Angelo said his intentions changed, but he had planned on moving into the new duplex if the variance were granted.

ZBA member Patrick J. Hourihan said the board's decision was not a reflection of the residents' complaints, but an attempt to uphold town by-laws.



This is an architect's rendering of the \$1.6-million renovation project for the former Naismith Basketball Hall of Fame building at Springfield College.

Former hall of fame building to be health sciences center

By PHYLLIS ANDREONI
Education reporter

An empty building that once housed the basketball hall of fame, will become an Allied Health Sciences Center on the Springfield College campus.

SC President Frank S. Falcone said yesterday that Renovations to the former Naismith Basketball Hall of Fame building will cost \$1.6 million and completion is scheduled for September 1988.

The 23,000 square-foot structure will house classrooms, laboratories, offices and a clinic for some of the college's fastest growing academic programs, including physical therapy, athletic training and exercise physiology. These programs are housed now in a variety of buildings, Falcone said.

The former museum was constructed on the SC campus to commemorate the invention of basketball in 1891 by James Naismith, an SC student who was fulfilling a

class assignment. Started in 1961, construction was delayed when the non-profit corporation ran out of money. Building began again in 1966.

Dedicated in April, 1968, the \$650,000 structure was replaced in June, 1985, by a \$13 million museum located near the Connecticut River in Springfield's South End.

Under the agreement between the corporation and SC, the building reverted to the college when it was no longer used as a museum and tribute to basketball.

"It is our objective to create a showplace for our health-related programs," said Falcone. "Building upon our internationally-recognized physical education curriculum, we have recently instituted programs that are attracting large numbers of exceptionally gifted students."

For example, the physical therapy program which began four years ago now has 135 students

and is the fifth most popular major, according to Falcone.

"Our commitment of \$1.6 million to create this first-rate center is indicative of our determination to be in the forefront of educating professionals in programs that are related to sports medicine — as well as expanding our successful physical therapy and cardiac rehabilitation majors," Falcone said.

Rehabilitation of the structure and the financing have been approved unanimously by the college's board of trustees, Falcone said.

John H. Coons, SC's director of development, has already initiated a fund drive which includes proposals to national foundations and corporations.

Robert B. Palmer, SC vice president for administration, is project director.

Falcone said that two other building options considered were a continuing education conference center and a residence hall.

Dismissal of charges sought

By NANCY GONTER

Traffic citations against the owners and driver of a propane truck that leaked in downtown Springfield should be dismissed, according to a legal brief filed by the lawyer representing the driver and truck owners.

The brief contends that police waited too long to issue the citation, that the incident was not criminal in nature, and that federal rather than state laws apply to the incident.

John C. Sikorski, of the law firm of Robinson, Donovan, Madden and Barry, submitted a brief, yesterday in Springfield District Court which asks that the citations against Arrow Gas Service Inc. of Belchertown, its parent company, and a driver of one of its trucks be dismissed.

Springfield police on Jan. 2 cited the two companies for allowing a motor vehicle to be operated negligently and the driver with operating a motor vehicle negligently.

Sikorski requested a district court show-cause hearing on the citations, and at yesterday's hearing, the date for the show-cause was scheduled for next Monday.

The citations were issued in connection with the propane leak on East Columbus Avenue Dec. 15 that snarled downtown traffic and shut Interstates 91 and 291 for 21 hours while firefighters burned off propane remaining in the truck's tank.

Sikorski filed his brief yesterday, and the Hampden County District Attorney's office is expected to file a response Thursday.

Sikorski declined to comment on the case.

The brief states that the citations were issued too long after the actual incident and that the incident did not involve "conduct made criminal by the laws of the Commonwealth."

It also states that the citations were issued "to punish" Arrow for filing suit against the city to regain custody of the truck which was impounded by police on Dec. 16.

The state law which governs traffic violations requires giving the citation at the time and place of the violation unless the violator could not be stopped or when more time is "reasonably necessary."

The citations were issued Jan. 2, more than two weeks after the incident.

"The citations came down only after the city and the Commonwealth realized that they were arguing they needed to keep the truck because it was an 'instrumentality of a crime,' yet they had no 'crime' to show a judge," the brief states.

The citations were issued immediately after Arrow sued for the return of its truck, according to Sikorski's brief.

"The inference can be drawn that the citations were issued to 'punish' the putative defendant for exercising the constitutional right to obtain their property," the brief states.

The issuance of the citations was also done "to show the public that the city and the Commonwealth are taking 'a tough line' on the incident," according to the brief.

Superneau boosted for DPW post

By SUSANNAH PUGH RUSSELL
City Hall reporter

The Springfield City Council gave initial approval last night to clear the way for the permanent appointment of Joseph Superneau as head of the Department of Public Works.

Councilor after councilor praised Superneau for his work as acting director of the city's second largest department.

Councilor Robert T. Markel said, "The DPW is one of the best-managed departments we have in City Hall."

Councilor Francis G. Keough echoed Markel's praise of the effectiveness of the DPW under Superneau.

"I think you have a lot of support here, Mr. Superneau," noted Council President William T. Foley.

Mayor Richard E. Neal said last month he would seek the change for Superneau's permanent appointment.

Superneau has headed the department since May, when former Director John Lyons left for a job in the private sector.

Superneau has an engineering degree and has worked as an engineer. However, he lacks registration with the state as a professional engineer, and city ordinances require the DPW director to be the city engineer.

The requirement dates back to a time when the DPW chief spent more time working on nitty-gritty engineering questions than on the administrative duties the \$50,000-a-year job demands today.

Superneau has been responsible for following through on the city's duties connected with several major projects begun under Lyons. Those include the \$36.6 million trash-burning plant being built at Bondi's Island.

In other action, the council voted to create a special four-member committee to review a resolution calling for a moratorium on issuing special permits for new- and used-car dealerships in the South End and Pine Point/Boston Road neighborhoods. The review would include its legality and impact.

The resolution's sponsor, Councilor Mitchell J. Ogulewicz Jr., said both neighborhoods have been "saturated" with car dealerships.

Co-sponsor Councilor Mary E. "Betty" Montori said a moratorium would offer "a viable answer to an overbearing, obnoxious land use" in those two areas.

Ogulewicz said he counted as many as 45 dealerships along Boston Road.

At the session for citizen presentations before the formal council session, Antoinette Pepe of the South End Citizens Action Council Inc. had a list showing the locations of more than 40 automotive-related uses in the South End.

Car dealerships need special permits from the council, and Councilor Brian A. Santaniello said, "The entire special-permit process in the city of Springfield is in a shambles."

After the meeting, he said he planned to call for revival of a defunct proposal by Markel that would merge the Building and Code Enforcement departments into a single agency.

He said he has received "a deluge of complaints" from residents who say they complain without result to the Building Department about violations of special-permit regulations.

The council approved a financial transfer of about \$2,500

needed to fund this fiscal year's half of a \$5,000 raise for the mayor. By the end of 1987, he will be making \$65,000, the top pay authorized by the council in September 1985, when it approved a \$10,000 raise spread over two years.

In other business, the council approved a resolution sponsored by Councilor Mary Hurley showing support for an increase in the \$10 fine now on the books for violations of the winter parking ban.

The council also approved a resolution sponsored by Foley supporting an "adopt-a-student" program to pair students to work with city departments.

3 people homeless from fire

By NANCY GONTER

Three people were left homeless and one firefighter was injured when a fire of undetermined origin damaged a Winchester Square home last night.

Fire trucks had to take alternate routes to the fire at 84 Tyler St. because the street on which the fire occurred was blocked by snow and parked cars on both sides, said District Chief Walter Guyer, who directed operations at the scene.

"We turned down Tyler Street and we just about barely made it through," Guyer said. "There were cars parked on both sides. I radioed to the other companies to take alternative routes."

The cars were parked in violation of an emergency snow parking ban put into effect by Mayor Richard E. Neal last week. The ban requires cars to park on one side of the street at all times except during half-hour changeover periods.

Detouring of the fire apparatus caused only a "very slight delay" in reaching the fire because the trucks were warned ahead of time, Guyer said.

Police said they would tow cars from the scene.

Fire Lt. Donald C. Elliott suffered a cut hand from a broken window and was treated at the scene by Baystate Ambulance attendants and later examined at Baystate Medical Center, Guyer said.

The fire began near a bed in a central bedroom of the 2½-story single-family home, Guyer said. The cause is still under investigation, he said.

"There's nothing left of the mattress but the springs. It was completely burned out," Guyer said.

One resident, Kwaku Yeboah, 32, was at home reading in a front bedroom and heard the smoke detector go off, Guyer said. He came out of his room, looked into the bedroom, saw the fire, called the 911 emergency number and left the house, Guyer said.

The owner of the house, Augustine Ofori, 28, a native of Ghana, and another resident, Teresa Agyeaman, 27, were not at home at the time of the 8:29 p.m. fire, Guyer said.

All three said they would be staying with friends, Guyer said.

The fire spread from the bedroom to a living room, but firefighters were able to contain it there, Guyer said.