

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN MARCH 22, 1976

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

WARRANTS:

#109-March 22, 1976 - Bill - \$315,585.96
#110-March 22, 1976 - Pay Roll - \$974,979.33

SPECIAL MALT BEVERAGE AND WINE LICENSES:

Committee to Re-elect Lyon-Waldo B. Lyon, at Scott Hall, First Parish Church, March 28,
3 p.m. to 8 p.m.
Tropicana Social Club, at 50 Hollis St., March 27, 7 p.m. to 12 p.m.

SUNDAY ENTERTAINMENT LICENSES:

B'Nai Brith, at Loring Arena, Dudley Rd., April 18, 1976, Carnival:
Swing Ride.
Sizzler-ride.
Cobra-ride.
Merry-Go-Round.
Moon-Walk ride.
3 "Kiddie rides".
Ferris-Wheel - ride.
Spider-ride.
Zipper-ride.
Dark-ride.

Chateau de Ville, Inc., dinner theatre, March 14, 21, 28, April 4, 11, 25, May 2, 9, 16,
220 Worcester Rd., 6 to 12p.m.

OBSTRUCT SIDEWALKS:

V.F.W. Post 929, Fred A. West, downtown and other business areas where approved by owners,
also along parade route on Memorial Day, May 27 thru May 30, (rain dates June 3 thru June 5.

RATIFICATIONS:

Commonwealth Gas Co., open, occupy & obstruct street:

Old Conn. Path @ School St., test and repair existing gasmain as required by D.O.T.Code,
3/16 to 4/16.
59 Morse Rd., test & repair existing gas main as required by D.O.T., 3/16-4/16.
Auburn St., @ Edgell Rd., test & repair existing gas main as required by D.O.T.Code, 3/16-4/16.
Merchant St., @ Course Brook @ Pole 285/11, test & repair existing gas main as required by
D.O.T. Code, 3/16-4/16.
Waushakum Blvd. @ Hollis St., test & repair gas main existing as required by D.O.T.Code,
3/16-4/16.

Fantoni Co., Inc., open, occupy & obstruct st.:

120 Leland St., install 6" water main, 3/23-4/23/76,

APPOINTMENT:

The following was appointed a special police officer:

David B. Redonnet, 87 Wyman St., Jamaica Plain, for a term to expire with termination of
employment with Stop & Shop in Framingham.

JURORS:

The following Jurors were drawn for service at Cambridge on May 3, 1976:

Fisher, Carole C. Opera Singer, (residence, 161 Belknap Rd.).
Berman, Stanley, Pres., Market Photo Service, 63 Apple 'Or Rd., Framingham (residence, 63
Apple 'Or Rd., Framingham).
Keats, Dennis A., Hairdresser Owner, Hair Today, 179 West Central, Natick, (residence, 7 Gart Path
Moulton, Marjorie, Office Manager, Cushing Cristman Potter & Paine, 179 Union Ave., Framingham,
(residence, 47 Georgetown Dr.).
Roberti, Paul, Operations Coordinator, Sealtest Foods, 490 Old Conn. Path, Framingham, (residence,
43 Aberdeen Rd.).
Tarbox, Agnes, Housewife, (residence, 12 Philip Rd.).
Pelley, Richard A., Painter, self-employed, 221 Worcester Rd., Framingham, (residence, 221
Worcester Rd.).
Glover, Nancy A., Clerical Ass't. N. E. Tel. Co., 350 Cochituate Rd., Framingham, (residence
3 Andrews St.).
Harrington, Fred E., V.P. & Treasurer, Framingham Trust, 79 Concord St., Framingham, (10 Wheeler
Ave. residence).

TOWN OF FRAMINGHAM

SELECTMEN'S RECORDS

March 22, 1976

(2)

JURORS-cont.:

Jury Service-Cambridge-May 3, 1976--cont.:

Doherty, Joseph R., Meter Repairman, Commonwealth Gas, Southboro, Mass., (residence, 7 Granite St.).
Snell, Maria, Office Mgr., CETA, 66 Irving St., Framingham, (residence, 39 Arthur St.).
McKenzie, John, Plumber, Local #448, Framingham, (residence, 16 Arbetter Dr.).

The following Jurors were drawn for service at Lowell on May 3, 1976:

Wheater, Isabel, Housewife, (residence, 4 Stalker Ln.).

Brodney, Richard, Vice Pres. (Brodney Gallery, 811 Boylston St., Boston), (residence 10 Blackthorn Rd.).

Kaelin, Catherine M., Housewife, (residence 69 Willis Ave.).

Lash, Pearl, Housewife, (residence 6 Stanley Dr.).

CONFERENCE - TOWN CLERK (POLL WORKERS):

In connection with a discussion last week on town employees who work at the polls, Executive Administrator M. P. Clarke presented a breakdown of town employees who worked at the polls, payments made to them, and an explanation of whether or not there was any conflict with their regular work assignments. Town Clerk Michael Ward, who had been invited to discuss the issue with the Board, reported that he had reviewed Mr. Clarke's report and agreed there was no dual payment made. He said to his knowledge, no one worked at the polls and got paid twice; they either took a day off without pay or a vacation day or worked at the polls between part time jobs with the Town. Chairman John DelPrete said since there were no rules or regulations which precluded this practice, he felt the town employees who worked at the polls were justified. He said he has himself recommended certain employees because of their experience in prior elections. He stressed his main interest was in having competent people at the polls. John King reviewed his position. He said his request for an investigation was a result of two letters received from the Personnel Board (February 12 and 13, 1976) which expressed concern about alleged misuse of salary accounts and benefits to temporary employees, and also because he had been made aware of several tree department employees who had worked for another town department doing snow removal work during their normal working hours. (A memo from the Executive Administrator dated March 11, 1976 reported the payment method to these individuals, as well as the fact that they were allowed to take days off without pay to plow snow as private contractors for the highway department). John King said he was concerned with the number of unemployed residents in the town and indicated it was not fair to these people who could use the work to allow some town employees to work at two town jobs. The fact that the three tree department employees had been designated "Special Municipal Employees" caused some discussion. John King said it was never his intention to give this designation for the purpose of allowing town employees to take time off from work. He said he was very much concerned with the present policy of poll worker assignments and "special municipal employee" status and commented that the time has come to develop a town wide policy for both issues. On Mr. King's suggestion, the Board will ask the Personnel Board to establish such a policy.

Reference was made to the release of poll worker names. Mr. Ablondi referred to an item in the News which indicated that Chairman DelPrete wanted to withhold release of the poll worker report until this week. He noted it was John King who made the motion to hold the report until it was completed. John King said his request for an investigation into this matter was never intended to embarrass anyone, but simply to do what he thought was in the best interest of the Town of Framingham. He commented that since the Selectmen sign the payroll warrants under the penalty of perjury, he felt an investigation into this practice was indeed warranted. Chesley Oriel asked whether the poll workers took sick or vacation days and he was advised that none of them took sick days. Mr. Ablondi emphasized that no employee received two salaries. He explained that employees are entitled to be paid for vacation days whether they stay home or go to work for someone else. He said the Board should not be concerned with how they utilize their time during vacations. Town Clerk Michael Ward reviewed the policy with regard to selecting poll workers. He called attention to the report submitted by Mr. Clarke, noting that it included a listing of overtime and salaries for employees in his office. He pointed out that his employees are actually required to be on duty for registering voters, preparation of ballots prior to election days and for the actual elections. William Gour, a spectator at the meeting, asked that the poll jobs be advertised. Chairman DelPrete advised him that they were obliged to comply with state law. John King later said he would be interested in advertising the poll worker positions with consideration given to the unemployed.

Following additional discussion with regard to poll worker assignments, Mr. Ward said he could reassign some of the poll workers, however, he would prefer to deal any revisions until after the next election to avoid re-training workers, etc. The Board was in agreement.

CONFERENCE - B'NAI BRITH CARNIVAL:

Robert Grossman, representing B'nai Brith Organization, met with the Board to ask their permission to change their carnival site from the Coop Parking Lot to an open lot on Route 9 near Temple Street. Mr. Ablondi excused himself from discussion since he was the landlord of the new site requested. Mr. Grossman explained the carnival was originally scheduled for the Coop Parking Lot, as it has been for the last five years, however, due to proposed construction at this location, it did not appear to be a feasible site. Both Chairman DelPrete and Selectman King said they did not approve of the new location because it was a dangerous intersection, and also abutted a residential area. The proposed site was denied on this basis and Mr. Grossman was directed to work with the Park Commissioners and the Executive Administrator to see if they could use a portion of Bowditch Field.

CONFERENCE - WOLF HABERMAN (2 ARTICLES):

Wolf Haberman met with the Board to ask their support of two articles he is sponsoring for inclusion in the Town Meeting Warrant. The two Articles, #4 and #5, would propose the elimination of the Board of Public Works and the expansion of the Board of Selectmen to five members. Mr. Haberman told the Board the proposals were not new and were proposed by the Charter Commission 5 years ago in an effort toward bringing all departments under the Board of Selectmen through the Executive Administrator. The purpose of both was to improve the efficiency and effectiveness of the operation of the Town of Framingham, and he enumerated the primary advantages of these changes. John DelPrete said he was in favor of eliminating the Board of Public Works, however, with regard to the five man Board of Selectmen, he said it would not make any difference to him because he would still vote the same way. Mr. Ablondi said he had no objection and would support both articles, however, he indicated it should be placed on the ballot.

TOWN OF FRAMINGHAM

SELECTMEN'S RECORDS

March 22, 1976

(3)

WOLF HABERMAN (CONT'D.):

John King said he had no objections either, however, he would like to see a job description for the Director of Public Works, as well as a clear cut organizational plan. Discussion followed on whether the Town could modify and change the duties of the Executive Administrator to encompass this additional job, or whether it would have to be by act of the legislature. On John King's request, Town Counsel clarified the procedures required for adopting these changes. One resident who was present, William Gour, said he was opposed to the increase in the Board of Selectmen's membership because it would be more difficult to remove the Executive Administrator from office if it became necessary since it required a unanimous vote of the Board of Selectmen. Following additional discussion, Mr. Haberman told the Board he intended to discuss these proposals with other town groups in an effort to obtain their support.

FRAMINGHAM CENTER BRIDGE:

On the recommendation of Sergeant Foley, it was unanimously voted to direct the Town Engineer to seek approval from the State Department of Public Works for the installation of the following sign: RIGHT TURN ON RED AFTER STOP on the Framingham Center Bridge for southbound traffic at High Street.

ARTICLES #17 AND #19 - ANNUAL TOWN MEETING:

A breakdown of cost estimates for traffic signals at locations requested in Article #18 of the Annual Town Meeting was submitted by the Town Engineer in a letter dated March 15, 1976. Also received was an estimate of cost to accept Femia Drive (Article #19-Street Acceptances). Peter Ablondi motioned to eliminate Femia Drive from the list of streets recommended to Town Meeting for acceptance on the basis that it did not meet the five year revenue plan, and it was unanimously voted.

ARTICLE #62-ANNUAL TOWN MEETING (DANFORTH STREET):

Receipt was noted of a letter from the Park Commissioners advising the Board that they had voted unanimously to convey a portion of land on Danforth Street to the Board of Selectmen in order to relocate the Danforth Street Bridge. Town Counsel reviewed the purpose of this particular article, and explained in order to convey land from one department to another department for municipal purposes it was necessary to obtain Town Meeting approval.

DEPARTMENT OF EMPLOYMENT SECURITY LOCATION:

Receipt was noted of a request from Chesley Oriel (letter 3/16/76) for the Board to reconsider its 2-1 vote of March 15, 1976 to accept Town Counsel's opinion that a special permit was not required for the Division of Employment Security's move to 75 Irving Street. Mr. Oriel, in his letter, referred to a section of the bid requirements issued by DES when it sought bids for office space (Nov. 1974) which clearly indicated DES intended to abide by the Town's By-laws and not to be exempt from them. For this reason, he added, he would request the Board to reconsider its vote of March 15th and vote on whether or not a special permit should be issued. Mr. Oriel, who was present, pointed out that fears that if the proposed location were turned down DES would move out of Framingham were unfounded because nowhere in the bid specifications was any town but Framingham mentioned. He cited the relevant section of the specifications. In his argument for reconsideration, Mr. Oriel further pointed to a section of the bid specifications which state "The proponent will have the premises ready for occupancy no later than 1975. Failure to give occupancy on that date will constitute a breach of contract and will cancel negotiations." He commented there is a possibility the bid may not even be valid because the lease between the State and Irving Hollis Realty Trust was not signed. One other point made by Mr. Oriel was the requirement in the specifications that the owner would have to secure all required permits of the Town. Accordingly, he would suggest that the Irving Hollis Realty Trust would have to obtain a special permit before the DES would accept the proposal. In conclusion, he urged the Board to contact the Division of Employment Security to find out their position before anything else is done.

Joseph Montano of Irving Street was very critical of the Board in allowing DES to move to the Irving St. location. He told the Board they should recognize Irving St. as the worst street in town for parking, and said DES should be made to comply with town laws whether they are a state agency or not. He said he thought they were making a big mistake by letting them go in there because of the adverse parking situation. Mr. Montano's views were supported by other business men in the area who threatened to move if DES located on Irving Street. Chesley Oriel again contended that the Board should act on whether or not a special permit should be issued - not on the question of whether DES is exempt from the Zoning By-law. He reiterated they wanted to comply - they are not asking for an exemption.

John King reviewed the issue and the steps taken by the Board prior to reaching their decision from when it was first presented to the Board by Attorney Galvani. He said he recognized there would be problems in this area, however, following receipt of requested recommendations from involved town departments, arguments presented by Attorney Galvani that no such permit was necessary, and Town Counsel's opinion (requested) that a state agency was exempt from the Zoning By-laws, he decided no special permit was required. John DelPrete concurred, adding his decision was also based on the fact that he did not want to lose DES to Framingham. He commented that this has been his position all along. Mr. Oriel pointed out because they can't have this location does not mean DES will not come into Framingham. He indicated the Board was sidestepping the issue and said it was high time the DES representatives were invited to meet with the Board for their views. John King asked Town Counsel if Irving Hollis Realty had any alternative if the Board denied the permit. Town Counsel said they probably had no recourse in this case because there is a third party involved. In discussion Town Counsel pointed out that his opinion was confined only to whether or not a state agency was exempt from the town zoning by-laws - which was the only question asked of him. Following additional discussion, and on the motion of John King, it was unanimously voted to invite DES Director John Crosier to meet with the Board to discuss the proposed transfer of their location from Howard Street to Irving Street.

WOMEN'S AUXILIARY:

Receipt was noted of a request from the Women's Auxiliary of Plumbin, Heating, Cooling Contractors for permission for tree planting ceremony. Executive Administrator M. P. Clarke was asked to coordinate location.

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

March 22, 1976

(4)

FIREFIGHTERS' NEGOTIATIONS:

A remark made by Firefighters' Union Representatives that the Board of Selectmen held up settlement of the contract between the Firefighters and the Town was incorrect, according to Selectman Ablondi. He released a chronological sequence of events resulting from negotiations with Firefighters Local #1652, prepared by the Personnel Director, which, he said, supported his contention.

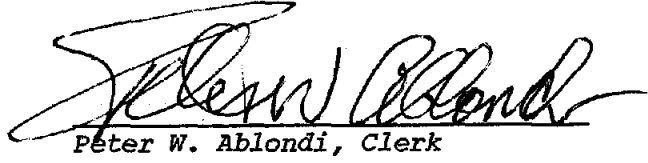
ASSISTANT TREASURER/COLLECTOR:

As requested last week by Peter Ablondi, Town Counsel reviewed the relevant statute dealing with the duties, power and appointment of the Treasurer/Collector's position. In summary, he confirmed that the appointed Treasurer/Collector has the same power as when he was elected, and he can appoint an Assistant Treasurer/Collector with the concurrence of the Board of Selectmen. Mr. Ablondi indicated the appointments for both the Treasurer/Collector and his assistant should be made by the Board of Selectmen (appointing authority) and he suggested that Mr. Clarke, Executive Administrator, should look into the feasibility of changing the existing job description to accomplish this.

EXECUTIVE SESSION:

On the recommendation of Town Counsel, and on the motion of Peter Ablondi, it was unanimously voted to go into Executive Session to discuss a suit filed against the town by a resident for payment of medical bills.

MEETING ADJOURNED AT 9:40 P.M.


Peter W. Ablondi, Clerk