

**TOWN OF FRAMINGHAM**  
**SELECTMEN'S RECORDS**

\*REGULAR MEETING OF THE BOARD OF SELECTMEN MARCH 29, 1976\*

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

WARRANTS:

#111 - March 29, 1976 - Bill - \$186,689.42  
#112 - " - Pay Roll - \$595,081.62

AMUSEMENT LICENSES:

Robsham Industries, Inc., 1610 Worcester Rd., background music, television, radio, musical trio & vocalist, week days 1976, 8 a.m. to 1 a.m.

Robert Grossman of B'Nai B'Rith, carnival, with rides (ferris wheel, hobby horse, 3 small children's rides, ski doo, glass house, scrambler, whip, moon ride) at Co-Op Parking Lot, March 29 to April 4, Mon. to Fri., 5 p.m. to 10 p.m., Sat. 1 p.m. to 10 p.m.

AUCTIONEER'S LICENSE:

William J. Brady, 20 Antrim Rd.

COMMON VICTUALER'S LICENSES:

STR Corporation d/b/a Dunkin Donuts, 266 Concord St.

Tasty Donut, 45 Nicholas Rd., (Years 1974, 5 & 6).

SUNDAY ENTERTAINMENT LICENSES:

B'Nai B'Rith, Carnival, April 4, 1976, Co-Op Parking Lot Franklin St.:

Rides: Spider, Cobra, Sizzler, Merry-Go-Round, Swinging Gym, Moon Walk, Zipper, Kiddie Rides, Dark Ride and Ferris Wheel.

RATIFICATIONS:

Open, occupy & obstruct st. - New Eng. Tel. & Tel. Co. - From Pole 23/12 to 23/13 Speen St., place 4 telephone ducts, March 29 to May 24.

Obstruct sidewalk:

Louis Abelli Constr. Co. Inc., 79 Concord St., reface building, March 29 to April 30.

HEARING - TRANSFER OF OWNERSHIP (WAYSIDE MOTEL, INC.):

A public hearing was held in the Selectmen's Office, Room 21, Memorial Building at 7:30 P.M. on the application of Wayside Motel, Inc., holder of an All Alcoholic Beverage License as a Common Victualer, at 1094 Worcester Road, for the transfer of ownership of the license to P.G.S. Enterprises, Inc., at the same location, same description of premises, and same manager. Attorney Michael Norris appeared with his clients Paul and Gail Stiffler. An affidavit was filed indicating that the hearing had been advertised and that the abutters had been properly notified. Attorney Norris pointed out the reason for transfer was for refinancing and tax purposes only. No opposition was presented, and on the motion of John King, it was unanimously voted to grant the transfer - pending approval of the Alcoholic Beverages Control Commission.

CONFERENCE - DIVISION OF EMPLOYMENT SECURITY/IRVING STREET:

John Crosier, Director of the Division of Employment Security (DES), met with the Board, at their request, to discuss the proposed move of the DES to Irving Street. Mr. Crosier initiated discussion by outlining the procedures used by DES in setting up space for offices. He stated that availability and service to their clients was of prime importance, and his basic responsibility was to provide suitable space at the most attractive price. He fully recognized that some of the ideal requirements for space, including parking and accessibility, was impossible to find in many urban and metropolitan locations, therefore, it was necessary to make adjustments according to the location to be served. He told the Board their practice was not to own but to lease property for three to five years minimum with specific requirements for facilities and structure. He explained three bids were received for the requirements in the Framingham area, and the bid submitted by Irving Hollis Realty Trust was the lowest and, therefore, was the location chosen. He was careful to point out that recommendations from his office had to be approved by the Department of Labor and House Ways & Means Committee before a lease could be signed, and subsequent funding had to be approved by the legislature in general. He said they recognized they brought traffic problems to the communities and it was their intention to cooperate fully with the communities. He added they were obligated to provide all pertinent facts involved with their operation and from that point on it becomes a local issue with regard to any applicable restrictions or requirements. In summary, Mr. Crosier stressed they look for no special consideration and will conform to any requirements the town may impose. It was not their intent to circumvent or attempt to change any local ordinances or regulations, and the fact that they are a state agency did not mean they would not comply with requirements. Chairman DelPrete asked what would happen if the Irving St. location does not work out. Mr. Crosier explained with any unsuccessful bid they would have to rebid, evaluate and make a new choice. He said his charge was to serve the clients as easily as possible and he could not guarantee they would locate downtown.

Recommendations prepared by the Planning Department (1/9/76) and jointly by the Town Counsel, Safety Officer, Planning Director and Building Official (3/11/76), in connection with the move to Irving St., were cited by Planning Director Christy Maltas. He emphasized that the DES employees should park in the lots behind Hollis St., and customers should use Irving St. meters (to be installed) and Hollis St. meters. Mr. Crosier pointed out that one of the factors in measuring the total attractiveness of a site was free employee parking. He said he was concerned that their employees might have to pay for parking and he would have to discuss this with the local office manager to see if it would present any hardship - and then assess the entire picture. Responding to several questions raised by Chesley Oriel regarding requirements for DES employee parking, and Department of Labor guidelines, Mr. Crosier clarified that he would tell his employees where they should not park if the Town restricted certain areas. He also confirmed that the Department of Labor did have established guidelines, however, they do consider recommendations of the DES since they are familiar with the needs of the involved communities. He noted that none of the conditions were ideal in each of the locations bid in this instance, however, the Irving St. location was chosen because it was the best of the alternatives available to them after going through the process. One of the business men in the area asked whether they would change their bid specifications if they had an unsuccessful bid - and if they would move out of Framingham. Mr. Crosier explained they would rebid with the same specifications, however, if there was a better choice across the town line they would have to consider it. He said he could not give a bona fide answer to this question.

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### DIVISION OF EMPLOYMENT SECURITY (CONT'D):

There were a number of business men present from the immediate area adamantly opposed to the move because of the impact on an already difficult traffic and parking situation. In response to a question raised by Joseph Montano, Mr. Crosier established they service approximately 4000 clients a week, involving about 400 cars daily, and employ 30 to 35 people. Mr. Montano said it would be an impossible situation if the Selectmen allowed the move. He angrily told the Board they would be evading the issue of congested traffic and parking in that area since it is being ignored. He pointed out the state was not exempt from town rules and regulations in this instance because they are tenants. Mr. Crosier, responding to Mr. Montano, pointed out the DES does not look to hide under state exemption status. He reiterated they have always intended to comply with town regulations. One business man pointed out that Commonwealth Gas had moved out of the area because they could not service their clientele, and he asked how DES expected to serve their clients. Mr. Crosier agreed it would be difficult - just as it is in the present location - however, they have to weigh if the inconvenience caused to some is in balance with the value of the service to the Town. Mr. William Gore asked whether DES would be willing to pay the salary for police patrol in the area and Mr. Crosier replied that DES has never paid for this service in any area and he would not make this commitment now.

John King explained that Town Counsel's ruling was based upon his interpretation that a state agency is exempt from the zoning by-laws, and his prior decision not to require a special permit was based upon Town Counsel's legal opinion and on arguments made by Attorney Galvani (Counsel for Irving Hollis Realty Trust) that a state agency is exempt. Speaking to Mr. Crosier, John King said "From your comments it would indicate to me that you are willing to abide by the off street parking regulations. If that be the case, and your agency is willing to comply with that regulation, I think it would be best for you to readvertise the bids and state in that bid you are willing to comply with the off street parking." Mr. Crosier said it was his understanding that the bid says the agency will comply with off street parking laws, however, he could not confirm that because he did not have a copy of the specifications with him. He asked whether the Board would accept a letter confirming they would comply with the off street parking plan instead of rebidding. John King asked whether DES had made any commitment to the Irving Hollis Realty Trust with regard to the awarding of the contract. Mr. Crosier replied that no formal commitment had been made. He explained when they opened the bids and the low bid was posted it was their intent to proceed with the low bid and they communicated that to Irving Hollis verbally. Mr. King asked if they would readvertise if they received a letter from the Board stating they had to meet the off street parking regulation. Mr. Crosier said he would ask counsel whether a letter to this effect would satisfy that requirement or whether they would have to rebid. Robert Moore, Editor of the South Middlesex Daily News, told the Board that the 1974 specifications say the DES would comply with any ordinance and/or by-law of the Town of Framingham. John King said if that is the case then the argument for an opinion from Town Counsel would not be pertinent because they agreed to waive that condition.

Following additional arguments from area business men that conditions in the area would be intolerable, and their plea to rebid the location, Richard Schiff of Framingham Motor Parts clarified that he was a partner in a company who was one of the initial bidders, however, he would not rebid if the DES chose to follow the Selectmen's recommendation to rebid the entire matter. He noted that he had told the Board at a prior meeting that he was not a bidder because he was unaware that his company had placed a bid. In additional discussion on parking provisions for DES employees, Mr. Crosier said he was dissatisfied that they can't provide space for their employees, however, it is not possible in high density areas. The use of the Hollis St. lot for parking was questioned. John DelPrete commented that the Town has considered purchasing this lot (now being leased by the Town) long before the Irving Hollis issue came into focus, however, he could not make a commitment because he did not know whether the owner would sell it to the Town. Mr. DelPrete agreed it was not an ideal situation, however, he has said all along that he did not want to lose this service in the Town, and for this reason has considered favorably this location, knowing there will be problems. He added that as far as he was concerned, DES could stay on Howard Street; he just did not want to lose the service in Framingham.

Concluding a very lengthy discussion, John King said he would change his earlier decision based on the fact that DES says they will abide by the off street parking regulations, and he motioned to formally request that a letter be sent to the DES from the Board requesting that any location chosen in the Town of Framingham meet the requirements of the off street parking law in the Town of Framingham. Attorney Michael Sheridan, representing the businesses in the area opposed to the move, asked Mr. King to include in his motion that the Building Inspector would be requested to withhold any permits pending resolution of the matter. Mr. King then included in his original motion that the Building Official will be requested to withhold any permits until such time as correspondence is received from Mr. Crosier. Chairman DelPrete seconded both motions and it was so voted.

Chesley Oriel asked whether the request for a special permit was still before the Board. John DelPrete reiterated his earlier position that he would not hide behind any statute because he wanted to keep the agency in town. John King told Mr. Oriel there was no request for a special permit pending before the Board. He read a letter received that afternoon from Attorney Victor Galvani, representing Irving Hollis Realty, informing the Board they would not pursue their request for a Special Permit but, instead, will apply for a remodeling and occupancy permit from the Building Official. Richard Schiff asked Mr. King to amend his motion to require that parking must be contiguous to the location. John King said the intent of his motion was DES would have to meet the requirements of the off street parking plan and it would have to be contiguous to the property at which they locate. He noted that the Planning Board was the authority for off street parking, however, he would be happy to include it in his motion. Mr. Oriel asked if the Board would request DES to rebid and Mr. King said he would.

In conclusion, it was voted to request the DES to confirm in writing their agreement to waive the exemption from local parking and zoning regulations which applies to state agencies; to request they rebid the requirements to be sure that any questions concerning existing bids are clear; to require contiguous parking and to instruct the Building Official to withhold any permits for the Irving St. location until a response is received from the Division of Employment Security .

### CARNIVALS - BOWDITCH FIELD:

Receipt was noted of a letter from the Park Department approving the location of Bowditch Field for carnivals to be held by various organizations with certain stipulations. Accordingly, those organizations planning carnivals will be advised they must comply with conditions established by the Park Department.

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CONFERENCE - MARIAN HIGH SCHOOL CARNIVAL:

Father Michael Guarino met with the Board to discuss plans to conduct a carnival at Long Field on May 25-31, 1976. On the motion of John King it was unanimously voted to grant permission subject to Park Department regulations.

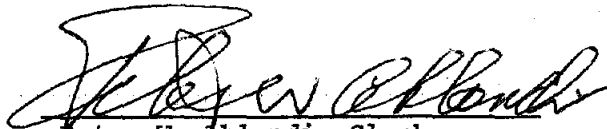
CHERRY SHEET REPORT:

Executive Administrator Matthew Clarke reported to the Board on a hearing he attended with Dr. Albert Benson, Superintendent of Schools, and Ted Duprez, School Business Manager, in Boston on the reduction in the Cherry Sheet for the Town.

NEW BUSINESS - BUDGETS:

FY'77 budget proposals which had been presented to the Board for their consideration by the Executive Administrator were referred back to him by John King for additional review with the objective of maintaining the existing operating budgets. Mr. King noted that for some months he has requested budget and personnel reductions, where possible, in those departments under the jurisdiction of the Board of Selectmen, in an effort to stabilize the tax rate. He said because of a 1.3% increase in the operating budget for FY'77, which did not reflect any salary increases, he felt an additional attempt should be made to reduce budgets, as well as personnel who are not being utilized effectively, and he asked Mr. Clarke to report back to the Board on this subject. In addition, Mr. King asked Mr. Clarke to determine whether there are any areas in the Town which could be centralized and report back to the Board. Specifically, he indicated a consolidation of certain departments in both the school and memorial building; i.e. accounting, maintenance, etc.

MEETING ADJOURNED AT 9:15 P.M.

  
Peter W. Ablondi, Clerk