

IN BOARD OF SELECTMEN  
AUGUST 6, 1973

Present: Chairman William F. Toomey, John C. Powers, and John E. Taft

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The statutory requirements as to notice having been complied with, the regular meeting was called to order at 7:30 p.m. by Chairman William F. Toomey.

Utility Petition 73-14

Present: Robert Blake, Boston Edison Co.

In conformity with the requirements of Sections 21 and 22 of Chapter 166 of the General Laws (Ter. Ed.) a hearing was held on the following utility petition:

UP73-14 - Petition of New England Telephone and Telegraph Company for permission to transfer to Boston Edison Company previously granted joint or identical locations for poles and such other fixtures as may be necessary to sustain or protect the wires of the line in the below-named public way of said Town, said poles being located along and across the following public way:

HUDSON ROAD, northerly side, from a point approximately 80 feet west of Concord Road, --  
Seven (7) poles.

It was on motion unanimously

VOTED: To approve the above mentioned petition, dated June 19, 1973, as submitted by New England Telephone and Telegraph Company.

Minutes

The Board voted unanimously to accept the minutes of the regular and the executive session of July 23, 1973, as submitted.

Sudbury/Concord Mutual Aid Firefighting Contract

The Executive Secretary reported that, in accordance with the approval of the Board, following a telephone conversation with the Town Manager of Concord, a Concord/Sudbury Firefighting Service Agreement had been prepared by the Town of Concord for approval by the Town of Sudbury. The agreement established \$15,240.00 as the annual amount to be paid to Sudbury by Concord as payment for providing full-time first response firefighting coverage from the North Sudbury station to a neighboring portion of Concord, during the period of July 1, 1973, through June 30, 1974.

The above-mentioned agreement was redrafted by Town Counsel for incorporation as an amendment to the original agreement dated August 13, 1970.

Upon the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To accept and to execute the Concord/Sudbury Firefighting Service Agreement, as submitted by Concord and redrafted by Town Counsel, and to be dated August 8, 1973, which would amend the agreement entered into between the Town of Concord and the Town of Sudbury, dated August 13, 1970, under the authority of G. L. c. 40, Section 4A.

Selectman Taft requested that precise data be collected during the duration of the contract as to the number of calls and the type of response, for use in renegotiating the contract at its expiration on June 30, 1974.

Jurors

The Board drew the names of William C. Worthington, 21 Intervale Road, to serve as juror at Lowell Court, commencing September 10, 1973, and John W. Kingston, 25 Harness Lane, to serve at Cambridge Court, commencing September 10, 1973.

Appointments - Election Officers for 1973-74

The Board received a communication dated July 5, 1973, from the Sudbury Republican Town Committee and a communication dated July 18, 1973, from the Sudbury Democratic Town Committee, relative to their respective nominees for appointment as election officers in Sudbury.

Upon the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To make the following appointments:

Republican Election Officers

Precinct One

D. Barry Hill...Warden  
June Atwood...Deputy Warden  
Benjamin Hammer...Inspector  
Shirley MacGregor...Deputy Inspector

Precinct Two

Josiah F. Frost...Warden  
Richard Moore...Deputy Warden  
Anne Lehr...Inspector  
Fay Hamilton...Deputy Inspector

Inspector-at-large...Edith Hull  
Deputy Inspector-at-large...Louise Card

Tellers...Chester Hamilton, Louis Morrison, Sally Jones, Gloria Petersen,  
John P. Nixon, Daniel Bortle, Robert Nims, Richard Heimann,  
William A. Burns

Precinct Three

Leona Johnson...Clerk  
Alice Morrison...Deputy Clerk  
Victor Harmon...Inspector  
Joyce Rubin...Deputy Inspector

Precinct Four

Elizabeth Newton...Clerk  
Yvonne Jelinek...Deputy Clerk  
Marion Hriniak...Inspector  
Ann Beckett...Deputy Inspector

Democratic Election OfficersPrecinct One

Leo Spottswood...Clerk  
 Winifred Fitzgerald...Deputy Clerk  
 Jeanne Maloney...Inspector  
 Mary Early...Deputy Inspector

Precinct Two

Margaret Weinstein... Clerk  
 Marjorie Davin... Deputy Clerk  
 Sheila Davison...Inspector  
 Myron Fox...Deputy Inspector

Inspector-at-large...Walter S. Allan, Jr.  
 Deputy Inspector-at-large...Robert D. Abrams

Tellers...Joan Felleman, Paul Beatty, Dick Blanchette, Pauline Walker,  
 Warren Boyce, Louis Edwards, Edward W. Connors, John E. Walsh,  
 Dorothy McCarthy

Town Counsel

The Gray Lines Bus Co. - Town Counsel reported on the July 30th hearing held by the Department of Public Utilities relative to the joint petition of The Gray Line, Inc., of Boston (Proposed Transferor), and Ritchie Bus Lines, Inc., of Northboro (Proposed Transferee), for approval by the Department for proposed transfer of certificates authorizing the operation of motor vehicles for the carriage of passengers for hire. Town Counsel reported that Representative Ann Gannett and Senator Chester Atkins were present and were heard at this hearing. Town Counsel suggested to the Board that it accept the research done on the matter by Representative Gannett, Senator Atkins, and Town Counsel, accept this transfer without an litigation, and endorse the Ritchie Bus Line of Northboro.

Senate Bill 1819 - An Act Establishing the Massachusetts Bicentennial Corporation - Town Counsel submitted to the members of the Board copies of proposed amendments to Senate Bill 1819, which had been prepared for the Selectmen and presented at the August 2nd hearing by Selectman Powers.

Selectman Powers stated that at the hearing he had strongly opposed the granting of the power of eminent domain to the Massachusetts Bicentennial corporation for the taking of private property of Town-owned land for the purposes of a celebration. The amendments as proposed, Mr. Powers stated, negate the authority of the Corporation without the approval and the control of local communities.

Town Suit - State Equalized Valuation Formula - Town Counsel stated that he would prepare, for the Board's review on August 20th, a memorandum with recommendations on the Town's suit relative to the State equalized valuation formula.

Chairman Toomey, in this regard, requested that this subject be scheduled for the meeting of August 20th, at 10:00 p.m., as a miscellaneous agenda item and that, at that time, Town Counsel make a preliminary report including cost figures.

#### Town Report Specifications

Present: Betsey M. Powers, Town Clerk, June Allen, Susan Platt, Joseph Clementi, and Bradley Stroup of the Town Report Preparation Committee

The Executive Secretary reported that on April 3, 1973, Selectmen's meeting had resulted in the Board's request that the question of reducing the text of the reports in the Town Meeting Proceedings be referred to the Town Clerk, the Town Report Preparation Committee, and the Executive Secretary for resolution.

Mr. Thompson stated that response from both the Town Report Preparation Committee and the Town Clerk, following a joint meeting on June 21, 1973, had indicated that it would be in the best interest of the Town to proceed forthwith with the publication of the Annual Town Report, to include in full the Town Meeting Proceedings as currently prepared by Town Clerk, and 200 separate copies of the Town Meeting Proceedings for use by Boards and committees during the year.

Mr. Thompson further stated that the Annual Report and the 200 separate copies of the Proceedings had been advertised as a package for bid and that the bids would be due August 16th.

Selectman Taft stated that all were in agreement, that the Town needs proceedings of every annual and special town meeting as reference documents, and that all agree that this should be done at the lowest cost to the Town. In this regard, Selectman Taft asked that the Town Clerk use her best judgment in reducing the size of the Town Meeting Proceedings so as to reduce the cost, in view of the fact that the entire transcript and tapes are available to the public for close scrutiny or additional information.

Selectman Powers raised the question of whether or not the Selectmen have the right to question the report of any other Board, committee, or official, and stated that, in his opinion, the benefit of the report information provided in the Proceedings warranted its inclusion. Selectman Powers also stated that, due to the upcoming Bicentennial celebration, all Town Reports will be read more closely throughout the nation and will be considered by many as historical documents.

Chairman Toomey commented that he did not feel that the issue is a sense of concern as long as tapes of the meetings are available, but that the Annual Town Report, including the Proceedings as currently constructed, had won many awards and therefore the present format must have merit and general acceptance.

The Town Clerk stated that her thoughts in preparing the Proceedings were to include sufficient information to enable the reconstruction of a meeting at any time in the future and to ensure its value as a useful tool to the people who use it.

Mrs. Allen stated that her committee receives its direction from the Selectmen and that her committee edits only for typographical errors.

It was the consensus of the meeting that:

- (1) the Town Meeting Proceedings should continue to be printed as part of the Annual Town Report whenever possible,
- (2) the Proceedings, as currently prepared by the Town Clerk, should continue to be printed in full, and
- (3) the 200 separate copies of the Proceedings should continue to be published for board and committee use.

Site Plan Application #73-115, Coatings Engineering Corporation,  
33 Union Avenue

Present: Francis E. White, Zoning Enforcement Agent; Lael Meixsell of the Conservation Commission; James M. Knott, President; Warren G. Miller, Attorney; and George Maravelias, Comptroller, all of Coatings Engineering Corporation.

Chairman Toomey opened consideration of Site Plan Application 73-115, for Coatings Engineering Corporation, 33 Union Avenue, continued from July 23, 1973.

The Board had previously received a communication, dated July 23, 1973, from the Planning Board, which recommended conditional approval, and a letter, dated July 18, 1973, from Peter H. Scott, a member of the Conservation Commission, who itemized his concern with proposed and existing drainage.

The Executive Secretary reported that, at the July 23rd hearing, the Board had requested a definite commitment from Coatings Corporation clarifying Coatings responsibility as it pertains to drainage and an immediate and a permanent solution for a satisfactory warning system at the railroad crossing over the private road leading out to Union Avenue. Mr. Thompson stated that, following the hearing on July 23rd, he had spoken to Mr. Maravelias suggesting that Coatings submit to the Board, in writing, an answer to these requests,

Mr. Thompson also stated that a copy of a communication dated August 3, 1973, between Mr. Knott and Mr. Wyner, president of RADIN Inc., relative to the completion of the construction of the drainage system by the end of August, had been received.

The Zoning Enforcement Agent reported that signal lights had been erected at the railroad crossing, and that a meter had been ordered from Boston Edison Co. for installation in a matter of one or two days. Mr. White reported that the signal system consists of alternative red and orange lights, 8½" in diameter, on a 10' - 11' stanchion. There are, in addition, signs indicating the railroad crossing.

Chairman Toomey stated that these lights answered the immediate solution and asked for Coatings answer to a permanent solution.

Mr. Knott asked for the Board's direction in regard to a permanent solution. The discussion which followed concerned triggering this type of a system to the railroad tracks, the installation of regulation crossing signals, and the difficulty of dealing with the bankrupt Penn Central Railroad.

Mr. Miller stated that, if the cost of a permanent warning system is prohibitively expensive, they might abandon the present road and seek access out to the Boston Post Road over their existing right-of-way.

The possibility of sharing the cost of actuated lights, in the way in which the road maintenance costs are presently shared among the businesses now using the private road, was discussed, and this portion of the meeting was then postponed until 10:00 P.M.

Later in the evening, the Board discussed with Mr. Cron, Chairman of the Sudbury School Committee, the reported possibility of relocation of school bus parking to the Coatings property with the attendant concern for the crossing hazard. Mr. Cron stated that the Planning Board would like to see the busses moved away from their present location, especially during the period of the bicentennial celebration, but that the School Committee has no strong opinion on moving the busses. Mr. Cron further stated that the Town presently collects \$5.00 per bus per month for parking on Townowned land, and that any change in location to private land would mean an undesirable loss of revenue to the Town, as the rental money would then be paid to the landowner.

Selectman Powers asked Mr. Miller if Coatings would be adverse to exploring some type of joint permanent solution, and Mr. Miller replied that they would not. Selectman Powers then asked Town Counsel whether or not the Board would have the authority to close the private road leading into the Coatings property if the road became a traffic hazard. Town Counsel replied that he was unsure, as this was a private road, and that he would have to research the question.

On the recommendation of the Executive Secretary, it was on motion

VOTED: To approve the site plan for Coatings Engineering Corporation, dated June 21, 1973, as drawn by Thomas K. Dyer, Inc., Lexington, Massachusetts, subject to the incorporation of the vote of the Planning Board, as stated in its letter of July 23, 1973, and with the following provisions:

1. that the applicants express, in good faith, an understanding that they will work together with the Selectmen and the Town to pursue a permanent solution to correct the safety hazard at the railroad crossing in question;
2. that the applicants maintain the present system at the crossing site until a permanent solution can be found; and,
3. that the applicants acknowledge that the access road crossing of the Penn Central Railroad constitutes a safety problem and that the applicants will join in an appropriate petition, prepared by the Town of Sudbury to the Department of Public Utilities, for findings and orders concerning the establishment of safety precautions and devices to be used and installed at said crossing.

Selectmen Powers and Taft voted in favor of the motion; Chairman Toomey voted in opposition.

Site Plan Application #73-116, Herbert A. Seymour, 34 Church Street

Present: Francis E. White, Zoning Enforcement Agent; Albert St. Germain, Fire Chief; Herbert A. and Barbara G. Seymour, applicants; Gail Harmon, attorney, representing the applicant; Roland H. Eaton, Natalie R. Eaton, Hilda A. Whitney, Mr. and Mrs. Jerome McGonagle, Mr. and Mrs. Frank Grinnell, and Mr. and Mrs. Michael Guernsey, abutters

Chairman Toomey opened consideration of Site Plan Application #73-116, for Herbert A. Seymour, 34 Church Street.

The Board had previously received conditional verbal reports from the Board of Health and the Planning Board, the latter followed up by a communication dated August 6, 1973, and a communication from Marjorie M. Shewan, an abutter, stating that she had no opposition to the operation of a school at this address, provided that State and local regulations were complied with.

The Board received communications from Hilda A. Whitney, dated July 31, 1973, Roland H., Phyllis B., and Natalie J. Eaton, dated August 3, 1973, Harry W. and Josephine F. Poe, dated August 4, 1973, and Margaret H. and Robert C. Magnuson, dated August 5, 1973, all of whom indicated their opposition to the establishment of a private school.

The Board also received a communication dated August 2, 1973, from Mr. and Mrs. Seymour setting forth their proposal and requesting that the Board act favorably upon their Application for Incorporation

Fire Chief St. Germain stated that he and one of his captains had inspected the site and had agreed that their recommendation for an approach to this school would be the present gravel drive from Concord Road, which abuts the McGonagle property, the width of which would have to be widened to 12 feet.

Mrs. Dorothy McGonagle stated that she was opposed to the proposal for reasons of her children's safety.

Mr. Michael Guernsey spoke of his concern with malicious mischief to abutting property caused by the older students.

Mr. Frank Grinnell stated his opposition to the establishment of a business in that residential area.

Chairman Toomey stated that the Board would need more information on the plan and on the project before he would be in a position to vote on the proposal.

Selectman Taft stated that the plan should agree with the Planning Board's letter, and requested a topographical plan showing the grades on the access road. Selectman Taft also recommended that the drive be paved of bituminous concrete to facilitate satisfactory ice removal. He further stated that the proposal should proceed under Article IX, Section E of the Town bylaws, and that in his opinion the present plan is not consistent with these requirements.

It was on motion unanimously

VOTED: To deny without prejudice Site Plan Application #73-116 and to waive the filing fee upon reapplication of a plan fulfilling the requirements under the above-mentioned bylaw.

On the subject of the Application for Incorporation for Mrs. Seymour School, Inc., initiated by Barbara B. and Herbert A. Seymour, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To indicate to the Secretary of the Commonwealth that the location at 34 Church Street for said proposed corporation is not appropriate at this time.

#### Sudbury School Committee

Present: Alfred Cron

Town Policy on Use of Public Buildings - Mr. Cron reported that the Sudbury Pines Nursing Home has requested that the School Committee enter into a contract with the Nursing Home to provide them with the use of the Horse Pond Road School in the event of a disaster or emergency.



The purpose of such a contract would enable the Nursing Home to qualify for Federal funding. Mr. Cron stated that the School Committee is not in favor of entering into such a contract, although they could make the facility available to them if such an emergency arose, in accordance with the opinion of Town Counsel in a communication dated May 29, 1973, to Superintendent of Schools John J. O'Neill.

The Executive Secretary stated that, if such an emergency situation arose, the Board could request the School Committee to make these facilities available to the Nursing Home. Mr. Thompson recommended that the Board and the School Committee indicate, in writing, to the Nursing Home their agreement and willingness to accommodate the Home during a time of emergency, but that neither the Board or the School Committee are in favor of a Town policy of contracting for the use of, or committing the use of, a public building which, when an emergency occurs, should be available to the general public under an approved emergency operation plan.

Noyes School - Parking - Mr. Cron displayed a preliminary plan showing the reconstruction of the playground area at Noyes School to provide 40 new parking spaces, 2 new softball fields in the present playground area, and the relocation of the bus parking by moving back the present parking area. The Selectmen indicated a favorable acceptance of the plan, but emphasized their strong desire to have the school busses located elsewhere, if at all possible.

#### Emergency Communications Planning

It was the consensus of the Board to designate the Sudbury Civil Defense Director as the responsible person for overall emergency communications planning for the Town of Sudbury.

#### Tax Possession Property

The Board agreed to defer, until its meeting on August 20th, review of Town Counsel's recommendations for public auction of five parcels of tax possession property, as set forth in Town Counsel's memorandum of August 6, 1973.

#### Labor Day Parade, City of Marlborough

The Board received a communication, dated July 20, 1973, from the City of Marlborough relative to an invitation to the Sudbury Selectmen to participate in Marlborough's annual Labor Day Parade on September 3, 1973.

The Board indicated to the Executive Secretary its acceptance and requested that the Executive Secretary contact Mr. Bruce Campbell for further information.

Treasury Warrants

The Board signed a payroll warrant in the amount of \$138,311.09, a bills payable warrant in the amount of \$99,771.34, and a warrant for investment of Revenue Sharing funds in the amount of \$227,470.12.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 11:20 p.m.

Attest: Richard E. Thompson  
Richard E. Thompson  
Executive Secretary-Clerk