

IN BOARD OF SELECTMEN
SEPTEMBER 10, 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.

Jurors

The Board drew the names of Anthony J. Broderick, Jr., 60 Victoria Road, to serve as juror at Lowell Court, commencing October 1, 1973, and Frank M. Burgess, 23 Brookdale Road, and Walter Prokowiew, 18 Allen Place, to serve as jurors at Cambridge Court, commencing October 1, 1973, and October 9, 1973, respectively.

Minutes

The Board voted unanimously to accept the minutes of the regular and the executive session of August 20, 1973, as amended, and the minutes of the meeting of August 27, 1973, as submitted.

Appointments

Chairman Toomey announced the following appointments made by the Selectmen:

Conservation Commission - Olga Reed and Eric Lind, for terms to expire April 30, 1976.

Ronald B. Conrado as Permanent Patrolman with the Sudbury Police Department.

Oliver Land - Sudbury Housing Authority

Chairman Toomey announced that at its meeting in executive session on August 20, 1973, the Board had voted to accept the figure of \$37,500 as the purchase price for a portion of the Oliver land, but that the precise boundaries have not yet been determined. Chairman Toomey also announced that the Board stands ready to execute a final memorandum of understanding relative to its vote, but will reserve formal execution of the agreement until the engineering and architectural plans are completed.

1973 Town Report Contest

Chairman Toomey announced that the Board received a communication, dated September 7, 1973, from the Massachusetts Selectmen's Association, which extended congratulations to the Town of Sudbury as the winner of first place in Class II of the 1973 Town Report Contest.

Special Permit - Harvest Realty, Inc.

Present: William Erickson

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

VOTED: To authorize the Executive Secretary to grant a waiver for re-lettering of a pre-existing, nonconforming sign to Harvest Realty, Inc., located at 103 Boston Post Road.

Special Permit - Laine Realty Trust

It was on motion unanimously

VOTED: To defer action on a request for a sign to Laine Realty Trust, 472-480 Boston Post Road, until such time as a representative is present.

Later in the evening, Mr. Edward Gossels appeared. Following discussion, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To authorize the Executive Secretary to grant a waiver for a sign to Laine Realty Trust, 472-480 Boston Post Road.

Special Permit - Newton-Waltham Bank & Trust Company, Sudbury Branch

It was on motion unanimously

VOTED: To defer action on a request for a permit for a sign to Newton-Waltham Bank & Trust Company, Sudbury Branch, located at 28 Union Avenue, until such time as a representative is present.

Lord's Day License

It was on motion unanimously

VOTED: To confirm the prior granting of a license for the sale of frozen desserts, ice cream mix, confectionery, soda water, or fruit to Harry C. Rice, Broadmeadow Stables, 130 Water Row, on September 9, 1973, such license for that one day only.

Wine and Malt Beverage License

The Board received a communication, dated September 8, 1973, from Russell P. Kirby, Business Manager of the Sudbury Ancient Fyfe and Drum Company, Inc., requesting a one-day license for the dispensing of malt beverages on October 6, 1973, at their Third Annual Invitational Ancient Fyfe and Drum Muster.

It was on motion

VOTED: To grant a license for the sale of wines and malt beverages only, under Chapter 138, Section 14, of the Liquor Control Act, to Russell P. Kirby, Sudbury Ancient Fyfe and Drum Company, Inc., on October 6, 1973, from 10:00 a.m. to 5:00 p.m. at the Wayside Inn, such license for that one day only.

(Chairman Toomey and Selectman Taft in favor; Selectman Powers abstained.)

Application for Incorporation

Following a review by the Selectmen of the below-named application for incorporation, it was on motion unanimously

VOTED: To send a favorable report to the Secretary of the Commonwealth on the application of John G. Wilson, 204 Horse Pond Road, Donald R. Soule, 42 Dawson Drive, Russell E. Gessner, 216 Horse Pond Road, Harry E. Lockery, 115 Moore Road, Stephen D. Bankuti, 66 Dudley Road, Harvey Gross, 16 Silver Hill Road, and Jonathan D. Fridman, 25 Christopher Lane, for incorporation of The Sudbury Youth Soccer Association, Inc., to be located in the Town of Sudbury.

Presentation of Memorial Day Essay Award

Present: Frank Grinnell, Chairman of the Memorial Day Committee and Louise McLeod, recipient of award

The Board extended its congratulations to Louise McLeod, recipient of the Memorial Day Essay Award. Presentation of the award was made by Frank Grinnell, Chairman of the Memorial Day Committee.

Selectmen's Statement - 1973 Tax Rate (\$49.50)

Chairman Toomey read the Selectmen's Statement on the 1973 Tax Rate (\$49.50), which explained that increasing State assessments, decreasing State local aid, and the new fiscal transitional year mandated by the State Legislature were the major factors contributing to the increase.

Chairman Toomey stated that the Board wholeheartedly endorses the statement, as prepared by the Executive Secretary, and that all Town departments and agencies should work toward a decrease in the 1974-75 tax rate, or at least, toward maintaining the present rate.

Award Contract - Trenching Underground Lines, Sudbury Centre

On the recommendation of the Executive Secretary and Town Counsel, it was on motion unanimously

VOTED: To award the contract for the trenching, sand base, and cover for electric utility lines, backfilling of the trenching, and specified surface treatment to N. J. Taylor & Sons, Inc. of Sudbury, in accordance with the bid dated August 24, 1973.

Execution of Contract - Trenching Underground Lines, Sudbury Centre

Following recommendation and assurances by Town Counsel that the security offered by N. J. Taylor & Sons, is adequate protection for completion of work under the contract, dated August 24, 1973, it was on motion, unanimously

VOTED: To execute the contract with N. J. Taylor & Sons, Inc., for the work referred to above and to waive the requirement of a surety on the performance bond and labor and material or payment bond, and to substitute in place of the surety a savings bank book, for the Framingham Savings Bank, Deposit Book for Account #2-14171, and a bank check in the amount of \$1,500 payable to the Town of Sudbury in lieu of sureties on said bonds.

Town Counsel

Board of Health Notices - Procedure Form - Town Counsel stated that the procedure for Board of Health notices relative to hazardous conditions is set forth in the State Sanitary Code, Article II, Minimum Standards of Fitness for Human Habitation.

Town Counsel stated that in regard to the situation currently under consideration, he had, on August 30th, informed the subject's attorney of hazardous conditions on said subject's property, which if not rectified by September 10, 1973, would cause legal proceedings to be initiated immediately.

Town Counsel further stated that he has requested the Board of Health to make a site inspection to determine the condition of the property, following which he will be notified whether or not legal proceedings should be commenced.

Article 7 (a bylaw to prohibit unsolicited delivery of advertising material), Special Town Meeting, June 13, 1973 - Town Counsel reported that the above-mentioned article passed by the June 13, 1973 Town Meeting had been disapproved by the Attorney General for the reason that, in requiring the written consent of the person occupying the home before "advertising material" may be delivered to him, the Town is imposing an unwarranted restraint upon the freedom of communication guaranteed by the First Amendment to the Constitution of the United States.

Town Counsel stated that the Attorney General's decision could be appealed by the Board or could be amended by further Town Meeting action, if so desired. Further consideration of the matter was postponed until September 17, 1973.

Reserve Fund - Transfers

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

VOTED: To approve a request for a transfer from the Reserve Fund to Account 320-41, Travel, in the amount of \$250.00 to cover unavoidable expenses incurred by the need for activating the Police Department's plain car for patrol as well as the private cars of the officer's, for which mileage must be paid.

It was on motion unanimously

VOTED: To approve a request for a transfer from the Reserve Fund to Account 501-11, Selectmen - Executive Secretary, in the amount of \$600.00 to cover the insufficient balance in this account.

Alcoholic Beverages Control Commission

The Board received and noted a communication, dated August 27, 1973, from the Alcoholic Beverages Control Commission relative to extending the hours of sale to licensees under G. L. ch. 138, sec. 12.

United Way of Massachusetts Bay

The Board received a communication, dated August 20, 1973, from the Community Chairman of the United Way of Massachusetts Bay relative to appointment of a chairman for the United Way campaign among Town employees.

On the recommendation of the Executive Secretary, it was unanimously

VOTED: To appoint Loretta Bigelow, the secretary in the Treasurer's office, to serve in this capacity.

The Executive Secretary reported that Mr. Francis Koppeis, Inn-keeper of the Wayside Inn had been approached by the above-mentioned organization concerning a campaign kick-off promotion from the Waysid Inn to Boston, in which the Board might participate within the Town. The Executive Secretary was requested to obtain further information in this regard.

Department of Natural Resources - Haskell Property

The Board received a communication, dated August 27, 1973, from the Department of Natural Resources, which forwarded a copy of the Department's environmental assessment of Sudbury's Land and Water Conservation Fund application for the acquisition of the Haskell property. At the Department's request, the assessment will be posted at Goodnow Library for viewing by the public, in accordance with Chapter 30, Section 62 of the General Laws.

Thunder Road

The Executive Secretary reported that members of the Board had earlier received a communication, dated August 17, 1973, from J. P. Gillig, 106 Thunder Road, relative to completion of Thunder Road under the road guarantee bond, which had been referred to the Building Inspector and to the Planning Board. Mr. Thompson stated that Mr. Gillig had also published the letter in the Sudbury Citizen on August 30th.

Mr. Thompson stated that, in his opinion, some of the statements in Mr. Gillig's letter were not accurate, and in this regard reported the following facts:

1. The Engineering Department has for some time been doing work in connection with the completion of roads.

2. The Board received a communication, dated August 27, 1973, from the Building Inspector, in answer to Mr. Gillig's letter, relative to new housing permit and inspection processes, and which stated his use of Sudbury's building code as printed in the Bylaws supplemented by the regularly revised BOCA Building Code and One and Two Family Dwelling Code as additional reference codes. The Building Inspector's report also stated that a uniform State Building Code will be mandatory as of July 1, 1974.

3. Some time ago, the Building Inspector had printed, for issuance by the Tax Collector upon application for a Municipal Lien Certificate, and information memo relative to the necessity of receipt of a Certificate of Occupancy for new construction, which assures completion of all inspections and zoning compliance.

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Mr. Thompson stated that the Planning Board was tonight attempting to meet with Mr. Gillig in an effort to further answer the questions raised in his letter of August 17.

Mr. Thompson requested and received from the Board authorization to respond to Mr. Gillig's letter, following receipt of the Planning Board comments.

Town Counsel stated that in the last year much time and energy had been expended on collection of bonds and finishing of roads, and commented that Thunder Road should be handled in the same manner.

Town Counsel stated that in the six years he has been involved as Town Counsel, the Planning Board had updated their rules and regulations three times and that Sudbury's regulations are requested by other towns for use in their own revisions.

Board of Selectmen - Fall - Christmas - New Year's Schedule

The Executive Secretary requested approval of the following schedule for the fall - Christmas - New Year's holidays:

<u>Holidays</u>	<u>Selectmen's Meetings</u>
<u>October</u>	<u>October</u>
8 Monday, Columbus Day	10 Wednesday
22 Monday, Veterans Day	24 Wednesday
Town Hall remains open.	

Employees may substitute these holidays for:

- Friday, November 23
- Monday, December 24

<u>December</u>	<u>December</u>
24 Monday - Town Hall skeleton force	3 Monday
25 Tuesday, Christmas Day	10 Monday
31 Monday-Town Hall skeleton force	17 Monday
	24 Cancel meeting and Town Fathers' Forum
	31 Cancel meeting

<u>January</u>	<u>January</u>
1 Tuesday, New Year's Day	2 Wednesday

It was on motion unanimously

VOTED: To tentatively approve the above schedule.

Mosquito Control

The Executive Secretary reported that, as a result of the outbreak of eastern equine encephalitis, he had been requested to contact the East Middlesex Mosquito Control District, in regard to spraying activities in Sudbury. Mr. Thompson stated that he was informed on August 30, 1973, that considerable spraying and fogging had been done a week earlier in the swamp areas and at the Regional High School, Raymond Road, and Featherland Park, and that as soon as the District's helicopters have sprayed Soutboro, which had become an emergency area, they would be used in Sudbury.

Executive Session

It was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing, deliberating, or voting on a matter, which, if made public, might ad

versely affect the financial interest of the Town, and the reputation of any person.

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

VOTED: To adjourn at 11:30 p.m.

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