

IN BOARD OF SELECTMEN
MONDAY, AUGUST 12, 1974

Present: Chairman John C. Powers and John E. Taft; William F. Toomey appeared at 10:15 p.m.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman John C. Powers.

Jurors

Present: Betsey M. Powers, Town Clerk.

The Board drew the names of Frederick O. Robinson, 461 North Road, and Joseph G. Skinnion, 49 Brookdale Road, to serve as jurors at Cambridge Court, and David S. Fitzgerald, 66 Mossman Road, to serve as juror at Lowell Court, commencing September 9, 1974.

Collective Bargaining Contracts - Fire - Highway

Present: George Abrahamson, President, Sudbury Permanent Fire-fighters Association Local 2023; John Cincotta, Steward, and Michael Kaskiewicz, Secretary, Massachusetts Laborers' District Council, Public Employees Local 1156.

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

VOTED: To sign the agreement between the Town of Sudbury and the Sudbury Permanent Fire-Fighters Association Local 2023, International Association of Fire-Fighters, AFL-CIO;

and it was further

VOTED: To sign the agreement between the Town of Sudbury and the Massachusetts Laborers' District Council in behalf of Public Employees Local 1156 of the Laborers' International Union of North America AFL-CIO.

Warrant - State Primary Election

Present: Betsey M. Powers, Town Clerk.

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

VOTED: That the polling hours for the Primary Election on September 10, 1974, be set for 7:00 a.m. - 8:00 p.m. in the Noyes School for the four (4) precincts;

and it was further unanimously

VOTED: To sign the Warrant for the above-referenced State Primary.

Site Plan Application #74-132 - Kuhlmann, Inc., Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent; John Kuhlmann, applicant; James Dunne, attorney.

The Zoning Enforcement Agent reported that the site plan for Kuhlmann, Inc., had been updated to include the items agreed upon at the Board's July 29th meeting, at which further consideration of the site plan had been tabled. Changes incorporated into the plan included:

1. Relocation and reduction in height of the lighting standards to provide that they not exceed the height of the building and that the residential area will be shielded from glare.
2. Addition of a note that the sign will only be erected after compliance with the Sign Review Board approval.

The Zoning Enforcement Agent stated that the height of the planting adjacent to the public way is regulated by an existing bylaw and that it is not, therefore, necessary to specify the same.

Following a brief discussion, it was on motion unanimously

VOTED: To approve the site plan of Kuhlmann, Inc., Boston Post Road, Sudbury, Massachusetts, as shown on a plan (Sheets 1 and 2) dated June 28, 1974, revised July 31, 1974.

Dog Hearing - Adametz, Sharkey/Stern

Present: Mr. and Mrs. Vincent E. Adametz, Mrs. Madeline Sharkey, Mr. and Mrs. Samuel Stern.

The Executive Secretary read the complaint, dated July 1, 1974, filed with Town Clerk by Mrs. Vincent Adametz, 24 Lillian Avenue, and Mrs. Madeline Sharkey, 12 Lillian Avenue, against the dog owned by Mr. Samuel Stern, 16 Richard Avenue. The complaint stated that the dog "Sambo", a Collie/Poodle, was a nuisance by reason of excessive barking and emptying of garbage cans.

Mr. Thompson reported that abutters had been notified of tonight's hearing and that reports dated July 25th and July 15, 1974, had been received from the Dog Officer and the Assistant Dog Officer.

Mrs. Adametz stated that the dog "Sambo" had several times dug up her garden, barked constantly on weekends and nights when the Sterns were not at home, and when loose empties her garbage cans.

Mr. Adametz stated that the dog had also dug holes in the hill behind their home.

Chairman Powers read into the record the report from the Assistant Dog Officer, which listed the complaints against the dog and the Assistant Dog Officer's contacts with Mrs. Adametz, Mrs. Sharkey, and Mr. and Mrs. Stern.

Mrs. Sharkey reported that during the last two years "Sambo" had been getting into her rubbish at various times of the day and night.

Mr. Stern stated that the dog has been tied continually for the last two months and that the Assistant Dog Officer had recently suggested that he be let loose at 8:00 p.m. in an effort to stop his barking at night. Mr. Stern stated that he had twice given the dog away to a home in Acton and that "Sambo" had returned on both occasions.

Mr. Stern also stated that his immediate neighbors had no complaints about the dog. He further stated that he had a considerable amount of vehicular equipment on his property and that the dog was used for his protection, and again stated that "Sambo" has been tied twenty-four hours a day, except for the one time he broke loose, and that the only time he barks is when someone approaches the house.

The complainants stated that the dog has been seen two or three times during the period that Mr. Stern claimed that the dog was continually tied.

Mrs. Stern stated that on the occasion of one complaint of emptied rubbish, "Sambo" had been at the Buddy Dog Humane Society shelter, and Mr. Stern stated that there was in the neighborhood another dog of similar appearance.

The Board stated that it would take the matter under advisement and would inform the interested parties of its decision.

The Board withdrew for a five-minute period, in which it was on motion unanimously

VOTED: To find the dog "Sambo", a Collie/Poodle, owned by Mr. Samuel Stern, a nuisance by reason of excessive barking and to order that the owner dispose of, or otherwise remove, the dog within a thirty-day period.

Utility Petition #74-5, Powers Road

Present: Daniel Place, abutter.

It was on motion unanimously

VOTED: To table the matter of consideration of Utility Petition #74-

Powers Road, until such time as a representative from Boston Edison Company or New England Telephone and Telegraph Company is present to answer relevant questions.

The Board directed that Mr. Daniel Place, an abutter in attendance for the hearing, be notified of the date set for its consideration.

Hearing - Increased Gasoline Storage - Mobil Oil Corporation,
Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent; Mr. Mazzoni, attorney representing Mobil Oil Corporation.

The Executive Secretary reported that Mobil Oil Corporation's application for license for increased underground storage of 10,000 gallons of unleaded gasoline had been approved and signed by Fire Chief St. Germain on July 15th.

Mr. Thompson informed Mr. Mazzoni that on January 7, 1971, an application from Mobil Oil Corporation for increased underground storage of 5,000 gallons of gasoline had been denied by the Board. Mr. Thompson read into the record a communication, dated January 13, 1971, to Mr. Leonard M. Doyle, which recorded the Board's findings on the previous application.

The Zoning Enforcement Agent stated that a site plan of the Mobil Oil Corporation property would be submitted to the Board within a week or two.

Selectman Taft stated that the Board wished to have additional information relative to delivery, safety, and installation before consideration of the application.

Mr. Mazzoni stated that statistics from the Fire Marshal's office substantiate that the danger of fire comes not from underground storage but from frequency of delivery.

Selectman Taft requested that Mr. Mazzoni obtain this information for the Board and mentioned the alternative that other service stations are taking -- the dropping of premium gasoline to make room for unleaded gasoline.

Mr. Mazzoni, in response to a question, stated that the tanks can only hold one material, that they presently have tanks for 10,000 gallons of premium gasoline and 10,000 gallons of regular gasoline and are now asking for a tank for 10,000 gallons of unleaded gasoline.

Following further discussion, it was on motion unanimously VOTED: To continue consideration of the application for increased gasoline storage for Mobil Oil Corporation until 7:30 p.m., August 26, 1974, to enable Mr. Mazzoni to obtain pertinent data for the Board's review.

Equal Employment Opportunity Bylaw Committee - Report

Present: Carroll Brownlee, Nancy Blecher, and Stephen Bankuti of the Equal Employment Opportunity Bylaw Committee.

Members of the Equal Employment Opportunity Bylaw Committee met with the Board to submit their report on the Committee's findings and suggestions following its investigation and understanding of the Town's current employment and contract-letting procedures.

Mr. Brownlee stated that, following the Board's review of its report, they would again like to meet with the Selectmen to discuss specific recommendations.

Chairman Powers stated that the Committee's recommendations are broad and requested that the Committee supply the Board with additional explanatory information as to what each recommendation should accomplish, and there followed a discussion of sections of the report which should be expanded and clarified.

Selectman Taft suggested that the Committee meet with the Personnel Board and department heads to discuss Sudbury's employment practices and that the Committee include in its report a step-by-step priority plan for implementation.

The Board suggested that the Committee work with the Executive Secretary and Town Counsel on the matter and submit to them its revised report, following which it would be distributed by the Selectmen to Town departments and agencies.

Support of President Ford

Chairman Powers made a personal statement affirming the strength of the Constitution of the United States, the law, and the Government with respect to recent political events and suggested that it might be appropriate to offer to President Ford the Board's support.

It was on motion unanimously

VOTED: To forward to President Ford a statement of the Board's sincere support for his new administration.

Town Surveyor, Arthur E. Harding, Jr. - Resignation

The Board received a communication, dated August 9, 1974, from Arthur E. Harding, Jr., who tendered his resignation as Town Surveyor, effective October 19, 1974.

Fire Chief Albert St. Germain - Forest Fire Danger

The Board received a communication, dated August 12, 1974, from Fire Chief St. Germain, which issued an urgent news release relative to the extreme fire danger in forest lands because of the dry conditions.

Tax Rate

Chairman Powers announced that the tax rate for fiscal year 1974-75 had been set by the Assessors at \$49.50, thanking that Board for its efforts in keeping the tax rate as low as possible.

Chairman Powers protested against the tremendous increase in the cost of Sudbury's share of running county government, with no increase in services, and the increase in the MBTA assessment on Sudbury for no services whatsoever, which together account for approximately \$2.00 of the Sudbury tax rate. Chairman Powers stated that passage of House Bill 6100, a bill to revise the County reimbursement formula, has adversely affected the Town's share of funds and that it was to be hoped that a successful outcome in Sudbury's revaluation suit would help the situation.

Selectman Taft reported that the Massachusetts Selectmen's Association has been working with the Speaker of the House and the Massachusetts League of Cities and Towns to provide assistance in connection with tax reform, and that it is hoped that the distribution formula will be treated in this manner.

Boston Post Road

Present: Jane Gillespie, Paul McNally, Edward Connors and Robert Cooper of the Planning Board; Victor Mangini, Barbara Pryor, Judith Cope, Dorothy Emmons, and Edward A. Sokoloff of P.R.I.D.E.; William Hall, Leon Zola, and Edmund Brown of the Business Advisory Committee; Zoning Enforcement Agent Francis E. White; Dr. Norton, owner of vans parked at Gulf Service Station.

Members of the Planning Board, Business Advisory Committee, P.R.I.D.E., and the Zoning Enforcement Agent met with the Board to discuss problems with business zone lighting and the outside use provisions of the Town Zoning Bylaws and possible existing violations thereof.

Mr. Mangini stated that P.R.I.D.E. was seeking clarification of sections of the Zoning Bylaws and enforcement of any violations.

Mr. Sokoloff cited several businesses which P.R.I.D.E. believed to be in violation of Article IX, V, E, Enclosure of Uses, and was told that these instances were not in violation.

There followed a discussion of the unclear wording and possible conflicts within the bylaw. Discussion included conflicting interpretations as to whether a lighting standard constitutes a structure, and Town Counsel stated that he would reserve judgment until he has had a chance to review the bylaw in depth, after which he will render his formal opinion.

On the subject of lighting, the Planning Board requested that some way be found to control the level of business lighting, particularly on the Post Road.

Two existing violations were noted and P.R.I.D.E. was told that there was current litigation involving both.

The Planning Board stated that they were divided as to a possible violation relating to the overnight parking of seven vans at a service station, which are being serviced and fueled at that location -- the opinions being that 1) this use is incidental to the business, and that 2) a permit is necessary from the Board of Appeals. Mr. McNally requested that an opinion be given by Town Counsel in this instance.

Town Counsel commented that there are problems with the Zoning Bylaws, that some of the language is unclear, and it would be well to have it reviewed for recommendations.

Mr. Hall stated that the Business Advisory Committee would like to see some rewriting of the Bylaws, providing that revision would not diminish present uses or impose hardships.

Mr. Zola was in agreement with Mr. Hall and stressed the need for caution in any revisions.

Mr. Mangini stated that P.R.I.D.E. would also be interested in a revision of the Bylaw.

Selectman Taft suggested that the issues raised tonight by Mr. Sokoloff on behalf of P.R.I.D.E., be examined by Town Counsel with a view to inconsistency and differing interpretations and that Mr. Sokoloff submit a specific list to Town Counsel.

Mr. Mangini stated that members of P.R.I.D.E. had been lax in attending Planning Board meetings at which site plans are considered and stated its intention for future attendance. In this regard, the Zoning Enforcement Agent suggested that to do so P.R.I.D.E. could more easily gain cooperation from potential businessmen.

The Board also discussed with the Planning Board a list of names for possible appointment to the Citizen's Task Force and stated that they would like to hold a joint meeting in the near future to further discuss the same.

West Sub-Region Transportation Steering Committee

The Board received a communication from Malcolm Beers, Sudbury's representative to the West Sub-Region Transportation Steering Committee, who reported on a recent meeting of that Committee, the purpose of which was to discuss with the U. S. representatives of

the U. S. Department of Transportation, the Massachusetts Department of Transportation and the Massachusetts Bay Transportation Authority, a proposal to obtain planning funds for a study of the most sensible transportation medium or media to be used in the West Sub-Region to fill the needs of this area.

The Board directed the Executive Secretary to forward copies of the above-referenced communication to the Planning Board and to Robert Wickford, Deputy Director of the Transportation System Center of the U. S. Department of Transportation.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and the executive session of July 29, 1974, as corrected.

Reserve Fund Transfer Requests

Following consideration, it was on motion unanimously

VOTED: To approve a request for a transfer (#0542) from the Reserve Fund to Account 390-51, Civil Defense - Equipment Purchase, in the amount of \$650.00, to take advantage of the opportunity to purchase for this amount a fully-equipped, surplus Federal, two-year-old house trailer, worth approximately \$15,000.

One Day License - Wine and Malt Beverages - Arthur A. Babigian

In response to his request, it was on motion unanimously

VOTED: To issue a one-day license for the sale of wines and malt beverages to Arthur A. Babigian, 43 Saxony Drive, Sudbury, for a candidates picnic at the property of the Wayside Inn, Boston Post Road, between the hours of 12:00 Noon and 8:00 p.m., on August 18, 1974, subject to the provisions that sanitary facilities be provided for the people in attendance, that any required building and wiring permits be obtained, and the approval of the Fire and Police Chiefs.

U. S. Military Reservation - Natick Laboratories Annex

The Board received a communication, dated August 5, 1974, from Representative Robert F. Drinan relative to the status of federal surplus land.

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

VOTED: To authorize the Executive Secretary to immediately inform Mr. Albert Gammal, Jr., Regional Administrator, General Services Administration, of the Board's interest in the matter and to forward to him past correspondence on the subject.

City of Marlborough - Labor Day Parade

The Board received an invitation from the City of Marlborough to participate in that City's Labor Day Parade. The Board directed that the Executive Secretary thank the Labor Day Parade Committee for its kind invitation.

Housing for the Elderly - Access Road

The Board received a copy of correspondence, dated July 24, 1974, from architect William R. L. Mead, to the Sudbury Housing Authority relative to possible access roads into the Housing for the Elderly project.

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

VOTED: To discuss the matter with the Permanent Building Committee at 7:30 p.m., August 15th, at the Loring Parsonage.

National Flood Insurance Program

The Board received a communication, dated July 25, 1974, from the Conservation Commission relative to the National Flood Insurance Program.

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

VOTED: To refer the above-referenced communication to Town Counsel for his written report as soon as possible.

The Executive Secretary was also directed to request that the Conservation Commission, in the future, use the standard Town letterhead stationery.

Highway Commission - Fill Vacancy

The Board received a communication, dated August 8, 1974, from the Highway Commission, stating that they would be unable to meet with the Selectmen on August 19th.

The Executive Secretary was directed to suggest, to the Commission, September 9th as an alternative date to meet for the purpose of filling the vacancy on the Highway Commission occasioned by the resignation of Ronald Espinola.

Massachusetts Bicentennial Commission - Knox Trail Planning Commission - Sudbury Appointment

In response to a request from the Massachusetts Bicentennial

Commission, it was on motion unanimously

VOTED: To appoint Samuel L. Reed, 39 Candy Hill Lane, to the Knox Trail Planning Commission, for a tern to expire on December 31, 1974.

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

VOTED: To adjourn the meeting at 11:10 p.m.

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