

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 11, 1974

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

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

Site Plan #74-139, Havencraft of New England, Inc., 75 Union Avenue

Present: Francis E. White, Zoning Enforcement Agent

In accordance with Article IX, Section V, Paragraph A, of the Sudbury Bylaws, Chairman Powers convened a hearing for consideration of the site plan for Havencraft of New England, Inc., 75 Union Avenue.

The Executive Secretary stated that he had been notified by Havencraft at the end of last week that they were not yet ready to appear before the Selectmen and wished a postponement of the hearing. The Executive Secretary stated that he had informed Havencraft that as the hearing had been advertised, it would proceed and advised them to attend and request a continuance, if not prepared for site plan consideration at this time.

The Zoning Enforcement Agent stated that Havencraft had improperly filed with the Board of Appeals in regard to their request for a permit to operate at 75 Union Avenue, Industrial District 2, and that the case, had not yet been heard.

It was on motion unanimously

VOTED: To continue consideration of the site plan for Havencraft of New England, Inc., until December 2, 1974.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and executive session of November 4, 1974, the former as amended, and the minutes of the executive session of November 5, 1974.

Police Collective Bargaining - Public Statement

Chairman Powers read a public statement relative to police collective bargaining, which stated, in part, that on Thursday, November 7, 1974, the Board of Selectmen and

the Police Bargaining Unit of International Brotherhood of Police Officers, Local 315, reached an agreement on wages, benefits, and contract language for the period July 1, 1974, through June 30, 1975. This agreement was ratified by a vote of Local 315 on Friday, November 8, 1974.

The main provisions of the new police contract include a 7.5% salary increase retroactive to July 1, 1974, an additional $\frac{1}{2}$ % for Longevity, three hours minimum call back time, four hours minimum court time, and Master Medical.

Hurst "Jaws of Life" Power Rescue Tool - Sudbury Rod and Gun Club

The Board received a communication dated November 11, 1974, from the Fire Chief, which reported that a Hurst ("Jaws of Life") hydraulic rescue tool valued at \$4986.60 had been delivered to the Sudbury Fire Department on Wednesday, November 6, 1974, as a donation by the Sudbury Rod and Gun Club. The Board also received a related communication dated November 1, 1974, from Paul H. McNally, Treasurer, Sudbury Rod and Gun Club, Inc., which requested that the Board accept the gift to the Town.

It was on motion unanimously

VOTED: To accept, on behalf of the Town, with gratitude to the Sudbury Rod and Gun Club, the "Jaws of Life" extractor.

Reserve Fund Transfer Requests

Following consideration, it was on motion unanimously

VOTED: To approve a request for a transfer (#0578) in the amount of \$800.00 from the Reserve Fund to Account 320-41, Travel, to allow members of the Police Department to continue training as Emergency Medical Technicians for the balance of the year and to allow two men the unforeseen opportunity to attend an intensive three-month course in fingerprinting identification and classification; and it was further

VOTED: To approve a request for a transfer (#0600) from the Reserve Fund in the amount of \$3,000.00 to Account 320-11, Police Salary Account, to provide for the salary and longevity increase negotiated in the collective bargaining agreement.

Hearing - Application of J.T. Steak House, 120 Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent;

John L. Trevisani, applicant, Mr. Salem, Manager,
J.T. Steak House

In accordance with the provisions of Chapter 138 of the General Laws, as amended by Chapter 260 of the Acts of 1971 to provide a change in the description of the licensed premises, Chairman Powers convened a public hearing on the application of John L. Trevisani, Manager, Sudbury Management Associates, Inc., d/b/a J.T. Steak House, holder of a Common Victualer All Alcoholic Beverages License, for permission to expand the lounge area from a seating capacity of 75 to 150, within the premises located at 120 Boston Post Road, Sudbury.

The Executive Secretary reported that all applicable Town agencies and abutters had been notified, and return notification receipts had been received. The Executive Secretary also reported that a communication, dated November 11, 1974, had been received from John Sullivan, Director of the Board of Health, which set forth that Board's opinion that if the seating capacity becomes greater than 230, the owner of the establishment shall be required to expand the sewage system, and that in accordance with Article XI of the Sanitary Code, no alterations of the existing sewage system shall be allowed until engineering plans are submitted and approved by the Massachusetts Department of Public Health.

Mr. Thompson stated that the Board of Health's communication is in response to the normal distribution of copies of applications of this type and that the application is before the Board because there is a request for a change in the description of the lounge area.

The Zoning Enforcement Agent stated that Chapter 143 of the General Laws, which governs seating capacity by allowing one person for each twelve square feet would, in his opinion, be superseded by the conditions imposed on the premises by the State Department of Public Health at the time of the installation of the existing sewage system.

In response to questions, Mr. White stated that the present seating capacity of the establishment is 345 people, based on Chapter 143 of the General Laws, and that at the time the building expansion was approved, approval had been received from the Board of Health. Mr. White stated that he would, on January 1, 1975, reduce the seating capacity figure to coincide with the 230 maximum figure stipulated by the State Department of Public Health.

Mr. White further stated that the proposed change is concerned with the removal of an interior wall only, and, in response to a question, stated that since the October 31st

distribution of the application request, he had had no contact with Mr. Sullivan on the matter.

There were no parties present in opposition to the application.

Following further discussion, it was on motion unanimously

VOTED: To grant John L. Trevisani, Sudbury Management Associates, Inc., d/b/a J. T. Steak House, located at 120 Boston Post Road, Sudbury, permission to remove a wall to expand the lounge area, from a seating capacity of 75 to 150 as shown on the floor plan marked "Exhibit A", dated November 11, 1974, with no enlargement of the exterior of the building.

Sign Review Board

Present: Leon Zola, Burton Mullen, Stanley Barron, Dorothy Emmons, and Ronald Boucher of the Sign Review Board

Members of the newly appointed Sign Review Board met with the Selectmen to discuss charges and procedures.

Selectman Taft stated that there were, in the Zoning Enforcement Agent's office, pictures of all business signs on the Boston Post Road, which would be available to the Committee.

Copies of the Zoning Bylaw were distributed to the new members, and Town Counsel stated that following the Board's review of the same, he would be happy to meet with them.

Members of the Committee and the Zoning Enforcement Agent withdrew to further discuss their charges.

Sudbury Housing Authority - Easement to Elderly Housing Project

Present: Douglas Miranda, Lorraine Bauder, Willie Hoover, and Robert Williams of the Sudbury Housing Authority; Mr. and Mrs. William Mack, Mr. and Mrs. Eugene Hall, Dorothy Moran, and approximately twelve other residents of Colonial Road

Chairman Powers read the vote taken at the Special Town Meeting on October 22, 1974, which authorized the Board of Selectmen to negotiate with and convey to the Sudbury Housing Authority, a 50' easement to be used as an access roadway from Hudson Road to the site for Elderly Housing development over, across, and through Town property.

Chairman Powers stated that the purpose of tonight's meeting was to ask the Sudbury Housing Authority for recommendations as to location and nature of the easement.

Mr. Miranda described two alternate proposals on a plan of the area, which were laid out within a 100' swath grey, was a straight easement running parallel to the easterly lot line and perpendicular from Hudson Road, and the second, outlined in red, was somewhat curved to preserve large trees and to provide a better visual impact. Mr. Miranda stated that the Housing Authority did not have an easement preference.

Mr. Miranda stated that the Housing Authority's architect has requested that the Authority have a survey done for the 100' section which would locate all trees and elevations within this area before the Authority proceeded with price negotiations.

Selectman Toomey asked for Mr. and Mrs. Mack's reaction to the granting of the easement in close proximity to their property line.

The Macks responded that of the two proposals, they preferred the easement shown in red, as it preserved large trees. Mr. Mack stated that he would prefer that both be further away than presently proposed, and suggested that perhaps one could be chosen to allow temporary access, and, when the matter of the use of the land is finally determined, a permanent access could be chosen.

In response to the Board's question relative to safety factors of the proposed Hudson Road access, Mrs. Bauder stated that the Town Surveyor had, last spring, looked at the proposed access and reported that there was good sight distance with the removal of several trees.

Mrs. Bauder submitted to the Board and summarized the information relative to a review of access road considerations dated October 29, 1974, revised November 11, 1974, traffic counts on Colonial Road and at Wayland's Elderly Housing development taken on June 17, 1974, a comparison of 1973 accidents between the site and Concord/Union/Old Lancaster Roads, and a comparison of sight distance at Hudson/driveway intersection and Peakham/Old Lancaster intersection.

Mr. Miranda stated that a document would be ready for bid on November 26, with bid receipts due thirty days

from that date. Mr. Miranda asked for the Board's opinion as to whether the Board might approve location of the 50' easement within the 100' strip and whether it would be worthwhile for the Authority to expend \$900 on a survey of the same.

The Board asked the Housing Authority for the grade from Hudson Road to the Housing Authority line and requested an overall plan showing grade elevations and the building.

Selectman Taft suggested that a temporary access from Hudson Road be used during the construction of the development and that at its completion a permanent access be developed on the Authority's land to Colonial Road, stating that he was reluctant to grant an easement to Hudson Road while the ultimate use of this land is in question.

An abutter expressed his opinion that the recent Town Meeting did not discuss a permanent or temporary easement, that the Town Meeting vote was for an easement out to Hudson Road, and stated that the Colonial Road abutters are here because of their concern with the use of Colonial Road.

Chairman Powers thanked the abutters for their attendance, and stated that the Board was tonight asking for recommendations and will make its decision on the matter very shortly.

Selectmen's Capital Improvement Program (1975-1980)

Present: Saul Nathan of the Long Range Capital Expenditures Committee

In response to a request from the Long Range Capital Expenditures Committee to Town boards and committees to submit to that Committee a capital budget program for 1975-1980, the Executive Secretary had earlier prepared a schedule of proposed projects, which included the police/fire headquarters building and Town Hall renovations.

Mr. Thompson now asked the Board for direction to forward the same to the Committee.

Mr. Nathan stated that his Committee was attempting to gather from all Town agencies capital budget programs so that the Committee, the Town, and the citizens can have some idea for spending capital money, for determining priorities and personnel and operational costs for a 5 - to 10 - year period.

Following a discussion of the proposal it was agreed to submit to the Committee a schedule of proposed projects showing a 1976-77 expenditure of \$400,000 and a later expenditure

(beyond 1980) of \$400,000 for development of police and fire headquarters facilities and a 1980 expenditure of \$260,000 for Town Hall renovations. It was the consensus of the Board that police and fire headquarters facilities are the number one Town priority.

Selectman Taft requested that Item 11 of the Proposed Project Report, Form A be amended to read, "No relation to other projects, except that programs will have to be developed to use or dispose of present police-fire facilities if vacated.

Police Cruiser Specifications - Modifications

The Board received a communication dated November 5, 1974, from the Chief of Police relative to changes to the present police cruiser specifications and requesting Board approval of his request to substitute a smaller model car.

Following discussion, it was on motion unanimously

VOTED: To amend the Board's vote of October 16 in regard to the awarding of the bid for three police cruiser wagons by striking it in its entirety and to substitute therefor the Board's acceptance of the bid for three cruisers at the price of \$11,191.00, in accordance with the memorandum of the Chief dated November 5, 1974.

Traffic Rules and Orders

Following discussion, during which the Executive Secretary was directed to confirm the traffic signs presently included in the Traffic Rules and Orders as to whether or not they exist, to have the Safety Officer, through the Chief of Police, survey the Town to determine existing signs that are not included in the present Traffic Rules and Orders, and to submit the information to the Selectmen as a whole package, it was on motion

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, be and are hereby further amended as follows:

By deleting the words "Board of Selectmen", From Section 1, in Article VI, ADVERTISING SIGNS ON SIDEWALKS OR STREETS MUST HAVE PERMITS, and by substituting therefor the words "Highway Commission"; and

By deleting the words "Board of Selectmen", from Section 2. (a) in Article VI, PLACING OF STRUCTURES OR PROPERTY IN STREETS PROHIBITED, and by substituting therefor

the words "Highway Commission"; and

By adding at the end of Section 8. in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following two locations: "Northbound and southbound drivers of Massasoit Avenue at King Philip Road."

(Chairman Powers and Selectman Taft in favor; Selectmen Toomey opposed, as he wished to defer the vote until the completion of the above-referenced package.)

1974 State Election - Ballot Certificates

It was on motion unanimously

VOTED: To sign the ballot certificates from the 1974 State Election.

"Wigwam Hill" Subdivision

Town Counsel reported that a Memorandum of Judgment relative to the "Wigwam Hill" subdivision had been issued, which states that the rules of Planning Board do not exceed its authority and which asks that a restriction be imposed on deeds of land over which the brook flows, to preserve the natural water course of the area.

Revaluation Suit

On the subject of the Town's revaluation suit, Town Counsel reported that the arguments had been completed in Supreme Judicial Court.

Selectman Taft reported that he had attended the Court session and was very pleased with the whole proceeding and commended Town Counsel on the handsome job he had done.

Utility Pole Relocations - Horse Pond Road

In response to a request from the Highway Commission in a communication dated November 5, 1974, it was on motion unanimously

VOTED: To authorize the Executive Secretary to grant emergency approval for the relocation of the following utility poles on Horse Pond Road: Poles 100/4, 7, 8, 9, and 12, so that construction of the walkway may proceed on schedule.

Sudbury Bus Transportation Committee - Bids

Present; Paul Buxbaum and Robert Coe of the Sudbury Bus Transportation Committee

The Board met with Messrs. Buxbaum and Coe relative to a discussion of the awarding of a bus transportation contract.

The Board received a communication dated November 11, 1974, from Mr. Buxbaum, which reported a vote of the Committee taken on Saturday, November 9, 1974, relative to the unanimous opinion of the Sudbury Bus Transportation Committee that a contract should be entered into with the low bidder, Big W. Trans, for the provision of bus transportation, in accordance with the requirements set forth in the specifications and the prices quoted in the bid response. The communication also requested the Board's concurrence in the awarding of the contract.

The Board also received a communication dated November 11, 1974, from Town Counsel, referring to the gasoline price addendum and announcing his intention to meet with the Bus Transportation Committee on Wednesday, November 13, at 7:30 p.m., in the Loring Parsonage for the purpose of jointly reviewing the contract documents.

Mr. Buxbaum stated that he would design a contract subject to the appropriate approval from the Board of Selectmen and the awarding of a Certificate of Necessity and Convenience by the MBTA.

Town Counsel was requested to call in regard to the MBTA certificate on November 12th to ascertain the time required to obtain the same.

The Board requested that the easterly bus route not go through the Town of Wayland to facilitate obtaining the necessary licenses. The Committee was in agreement.

Executive Session

At 10:50 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing, deliberating, or voting, on matters which, if made public, might adversely affect the reputation of any person.

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

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

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