

IN BOARD OF SELECTMEN  
MONDAY, AUGUST 25, 1975

Present: Chairman John E. Taft and William F. Toomey.

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

Jurors

Present: Barbara Stevens, Assistant Town Clerk

The Board of Selectmen drew the following names to serve as jurors commencing October 6, 1975: Robert E. Lucey, 115 Pelham Island Road, and Robert Maily, 271 Peakham Road, for the Cambridge Court jury pool; and Gordon C. Thomas, 33 Country Village Lane, and Marton G. Taskovics, 21 Blueberry Hill Lane, for the Lowell Court jury pool.

Utility Petitions #UP75-33a and #75-33b - Peakham Road

Present: Frederick A. Roth and Robert L. Blake of Boston Edison Company; Robert J. Caldwell, abutter; and Francis E. White, Wiring Inspector

In conformity with the requirements of Sections 21 and 22 of Chapter 166 of the General Laws, a hearing was held on the below named utility petitions:

UP75-33a - Petition of Boston Edison Company and New England Telephone and Telegraph Company, dated July 8, 1975, for joint or identical locations for the erection of poles to be owned and used in common by them including anchors and guys and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the following public way:

Peakham Road, westerly side approximately 496 feet north of Boston Post Road, --  
One (1) pole

Peakham Road, southeasterly side, approximately 858 feet northeast of Boston Post Road, -- One (1) pole

Peakham Road, northwesterly side, approximately 1,056 feet northeast of Boston Post Road, -- One (1) pole

Peakham Road, northwesterly side, approximately 1,449 feet northeast of Boston Post Road, -- One (1) pole (guy wire and anchor)

Peakham Road, northwesterly side, approximately 235 feet southwest of Old Garrison Road, -- One (1) pole

UP75-33b - Petition of Boston Edison Company and New England Telephone and Telegraph Company, dated July 8, 1975, for joint or identical locations for the maintenance of said existing poles and such other fixtures as may be necessary to sustain or protect the wires of the line, upon, along and across the following public way:

Peakham Road, southeasterly side, approximately 673 feet northeast of Boston Post Road, -- One (1) pole

Peakham Road, southeasterly side, approximately 1,236 feet northeast of Boston Post Road, -- One (1) pole and one (1) push brace

Peakham Road, southeasterly side, approximately 1,586 feet northeast of Boston Post Road, -- One (1) pole

Peakham Road, southeasterly side, approximately 1,814 feet northeast of Boston Post Road, -- One (1) pole

Chairman Taft opened the hearing by explaining to those present that the site of the proposed utility poles and equipment had been viewed that evening at 7:00 p.m. with Mr. Roth of Boston Edison Company and with the Wiring Inspector. He stated that UP75-33a was a petition for placement of five new poles and UP75-33b was a petition for Boston Edison Company to use four existing poles now solely owned by New England and Telegraph Company.

Mr. Blake stated that the purpose of the petitions was to provide a new circuit to meet service requirements in the area. In answer to a question from Chairman Taft, Mr. Blake stated that the larger #137 size poles would be used.

The Executive Secretary reported that all abutters and appropriate boards had been notified of tonight's hearing and read the following reports: that of the Wiring Inspector dated August 21, 1975, which recommended denial of the petitions due to the fact that no electrical lines are now on these poles, and to allow them would be a step backwards in the Town's program of having everything underground; and that of the Power and Light Committee Chairman dated August 20, 1975, which reaffirmed the Power and Light Committee's previous position that overhead power lines along Peakham Road not be allowed, and in addition suggested that, in the event the petition is granted, poles be located on just one side of the street to eliminate the ugliness of wires criss-crossing street.

The Executive Secretary also read into the record Boston Edison's letter of March 6, 1975, which set forth justifications in response to the Board's most recent denial of utility petitions for this area.

Mr. Thompson also reported receipt of letters dated March 28 and April 25, 1975, from Robert J. Caldwell requesting reconsideration of previous petitions for overhead lines in the subject area.

Mr. Roth reported to the Board that the proposed installation would provide back-up in the Boston Post Road area, where there now is none, that it will provide more reliable service and versatility to switch lines during repair work for approximately 1300 - 1400 people, including new commercial customers, and that a spacer cable would be used, so that tree trimming would be minimal.

Robert J. Caldwell, abutter, stated that his home had been without service for fourteen days during a hurricane, and for fairly long periods at other times. He stated his belief that this situation could be corrected by the granting of the petitions now under consideration. The Board accepted from Mr. Caldwell a petition dated August 25, 1975, signed by owners and abutters of Peakham Road, which requested immediate approval of the proposed pole changes and locations.

Selectman Toomey asked that, in accordance with previous requests, the Power and Light Committee provide the Board with the vote of its Committee, noting the members present, relative to these and future utility petitions.

Following further discussion relative to the placement of poles and the cost of undergrounding, (during which Mr. Roth stated that he was against the underground approach because the cost would be higher in taxes and installation, and versatility would be lessened), upon the recommendation of Selectman Toomey, it was on motion unanimously

VOTED: To request Boston Edison Company and New England Telephone and Telegraph Company to submit new petitions placing overhead wiring on one side of the street only and minimizing the number of poles, for consideration by the Selectmen at a continued hearing to be held Monday, September 15, at 7:30 p.m.;

and it was further

VOTED: That the Board of Selectmen would support new petitions prepared in accordance with the above vote.

Site Plan Application #75-151, Arnold J. Tuck, 621 Boston Post Road

Present: Jerome Tuck, applicant's son, Alan Alford, applicant's attorney; Francis E. White, Zoning Enforcement Agent; and Jacqueline Sykes, abutter.

In accordance with Article IX, Section V, A of the Sudbury Bylaws, the Selectmen considered site plan application #75-151 of Arnold J. Tuck, for property located at 621 Boston Post Road (formerly occupied by the Pot Shop), which was submitted and reviewed by the Zoning Enforcement Agent.

The Executive Secretary reported that abutters and appropriate boards had been notified of tonight's hearing and that the following reports had been received: from the Zoning Enforcement Agent dated July 18, 1975, recommending approval; from the Board of Health dated July 29, 1975, recommending conditional approval; from the Planning Board dated August 22, 1975, recommending disapproval for seven reasons; and from the Zoning Enforcement Agent dated August 25, 1975, in response to the foregoing Planning Board letter.

Attorney Alan Alford, representing the applicant, stated for the record that he was of the opinion and had so advised his client that tonight's site plan procedure was not a necessary requirement, as there was to be no change in the use of the premises; however, his client wished to have the approval of the Town of his plans.

Later in the discussion, Selectman Toomey expressed his opinion that a site plan was required due to the fact that only part of the building had previously been used for sales area with the remainder for storage, while the present plan called for use of the entire building for sales purposes. Town Counsel David Turner stated his opinion that, because new businesses (four shops) were being created within the structure where only one business had previously existed, a site plan approval was required.

Mrs. Sykes, abutter, requested that no trees be removed and a fence be placed to screen her property from the parking lot. Mr. Tuck stated that the trees would be left but there was no plan for fencing.

Chairman Paul McNally of the Planning Board discussed with the Selectmen his Board's reasons for denial as stated in his letter of August 22, and discussion followed primarily relative to parking, exits and entrances, and traffic flow.

Mr. White, in answer to a query of Chairman Taft's, stated that 23 parking spaces are required for this site plan.

The general consensus being that revisions should be made in the plan relative to parking spaces, entrances and exits and screening, it was on motion unanimously

VOTED: To table consideration of site plan application #75-151 of Arnold J. Tuck until later in the evening to allow the applicant's son and attorney to work with the Zoning Enforcement Agent in making revisions to the plan submitted.

Later in the evening, following submission and discussion of a revised plan, it was on motion unanimously

VOTED: To approve site plan application #75-151, as revised, of Arnold J. Tuck for property located at 621 Boston Post Road, as shown on plan dated July 17, 1975, subject to septic system approval by the Board of Health and the provision of screening along the westerly and southerly sides of the property, with any sign subject to approval by the Sign Review Board.

#### Davis Land Acquisition

Present: Chairman John R. Carter, John E. Murray, Robert E. Grant of the Park and Recreation Commission; Chairman Joseph Tratnyek, Sandris J. Stubelis, Kathleen M. Brown of the Conservation Commission; and Chairman E. Lawrence Gogolin, Karl E. Clough, Donald D. Bishop, Ira M. Potell of the Finance Committee.

The Board of Selectmen met with members of the Park and Recreation Commission, the Conservation Commission, and the Finance Committee for discussion of matters relating to the purchase of the Davis land. Chairman Taft opened the discussion of matters relating to the purchase of the Davis land. Chairman Taft opened the discussion by explaining that the Board had previously received a letter dated July 11, 1975 from the Massachusetts Executive Office of Environmental Affairs, which stated that the Davis land acquisition was not being considered or recommended for previously anticipated federal funding.

At its meeting of July 28, the Board directed the Executive Secretary to meet with the Executive Office of Environmental Affairs to review the reasons for that office eliminating the Davis land acquisition from federal funding. The Executive Secretary read into the record his report on the same, dated August 19, which set forth the following recommendations:

1. That the Selectmen direct Town Counsel to proceed forthwith to purchase the remaining portion of the Davis land for park and recreational purposes, as voted at the 1974 Annual Town Meeting under Article 12.
2. That the Selectmen support the Park and Recreation Commission in preparing and submitting an application for BOR funding to develop the Haskell land.

Executive Secretary, Richard E. Thompson, further stated his belief that it would be fruitless to pursue further funding of the Davis land and that, regardless of the lack of anticipated reimbursement funds, the Town must comply with its signed Purchase and Sales Agreement.

Chairman Taft noted that the Davis Purchase and Sales Agreement had been amended, when Bureau of Outdoor Recreation funding appeared to be delayed, to extend the purchase of the Park and Recreation portion (parcel A-1) for \$117,010 as follows: conveyance in October-November 1975 with payment of up to 30% and the balance to be paid in January 1976.

In reviewing the figures relating to the total purchase of Davis and Boston Edison lands, Chairman Taft determined that \$261,600, which included \$7200 for engineering services, was appropriated by Town Meeting, of which \$132,000 had been paid from the Conservation Fund \$4600 had been transferred from Free Cash, and \$65,000 would be received from Self-Help State funds, thus leaving \$125,000 to be bonded for the Park and Recreation portion of the Davis land purchase. With a net cost to the Town of \$82,500 for the Hulbert purchase, and \$59,500 for the Davis purchase, the Town will assume a total cost of \$142,000 for both purchases, after deducting receipt of State Self-Help funds.

Chairman Carter of the Park and Recreation Commission expressed his agreement with the Executive Secretary's recommendations, stating that acquisition of the Davis land is still important to the Commission and that the Town should pursue BOR funding to develop the Haskell land. He agreed with the Executive Secretary that, while no commitment could be obtained for BOR funding, the Town has been assured by Mr. Joel Lerner that our application will receive high priority.

Karl Clough, Park and Recreation liaison for the Finance Committee, indicated his support of completion of the Davis land purchase, because of the need.

In accordance with a prior agreement with the Finance Committee, Chairman Joseph Tratnyek of the Conservation Commission stated that approximately \$16,500 in the Conservation Fund should be transferred and used to offset the interest cost for borrowings on the Davis and Hulbert land purchases. The Finance Committee concurred. Upon recommendation of Chairman Taft, it was agreed that the Conservation Commission, Finance Committee, Town Accountant and Town Counsel would meet to discuss the method of effecting this transfer.

It was the consensus of the Board of Selectmen, Park and Recreation Commission, Conservation Commission and Finance Committee members present to approve the two recommendations of the Executive Secretary as stated in his letter dated August 19, 1975.

Chairman Taft requested that the Finance Committee submit to the Board its recommendations regarding bonding, and the Finance Committee agreed to take the matter under consideration at its meeting on September 18th.

The Executive Secretary was directed to obtain net figures necessary for bonding from the Town Accountant.

Authorization of Borrowing in Anticipation of Tax Receipts

Acting upon the request of Town Treasurer William E. Downing, in a communication dated August 18, 1975, it was on motion unanimously

VOTED: To authorize the Town Treasurer to borrow up to \$1,000,000, effective in September and due November 15, 1975.

At 9:30 p.m., it was on motion unanimously

VOTED: To enter into Executive Session for the purpose of discussion and negotiation of the purchase of the Haynes Garrison House site, a matter which, if made public, might adversely affect the financial interests of the Town.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and executive session of August 11, 1975, as corrected.

Town Counsel

Department Fees - Town Clerk - The Executive Secretary reported receipt of a request from Selectman Powers that discussion relative to the collection of fees by the Town Clerk be postponed until the Board's next meeting when he could be in attendance. The Board agreed to postpone this agenda item until its meeting of September 8, 1975.

Mr. Ira Potell of the Finance Committee stated that the Finance Committee would be meeting with the Town Clerk on the above subject on September 18, and requested that Town Counsel also attend. Town Counsel David Turner stated that he had a prior commitment but would provide further clarification of his opinion dated August 7, 1975, if desired.

On recommendation of Selectman Toomey, the Executive Secretary was requested to invite Mrs. Betsey Powers, Town Clerk, to the Selectmen's meeting of September 8 for discussion of this subject matter.

Hawkers and Peddlers Regulations - Following receipt of a letter dated July 10, 1975, from Richard S. Ginsberg, Southshore Distributors, Inc., requesting restrictions on the permit issued to Rocco DiVerdi, Jr. be removed, the Board, at its July 14th meeting, had instructed the Executive Secretary to review with Town Counsel the recently adopted local rules and regulations pertaining to hawkers and peddlers.

Memorandums from Town Counsel dated August 4 and August 25, which recommended no change in and the enforcement of the recently adopted regulations, were discussed. The Executive Secretary also reported on his correspondence with Mr. Ginsberg.

Town Counsel stated his opinion that the Zoning Bylaw does prohibit commercial activities in residential areas, and the hawkers and peddlers regulations simply reinforce the bylaws. He further stated that he has discussed methods of enforcement with the Police Chief and sees no problem in this regard.

Upon recommendation of Selectman Toomey, it was agreed that discussion of hawkers and peddlers regulations be continued at a later meeting, in order that Mr. Ginsberg could be invited to attend. It was also agreed to place a notice of said meeting in the newspaper, so that townspeople could attend and express their views.

Pinsetters - The Board of Assessors had requested the opinion of Town Counsel relative to the assessing of pinsetters. Town Counsel stated his opinion that pinsetters can be taxed as personal property, and also stated that he would send the Board of Assessors a letter putting forth his opinion in writing.

#### Fire Department

The Board received a communication dated August 20, from Fire Chief Josiah F. Frost informing the Board that Captain Michael Dunne had been badly injured in a traffic accident and would be absent from duty a minimum of three months, and in addition, that Firefighter Bruce Vinal had resigned. The Chief set forth his proposal for filling the above vacancies.

The Board expressed its agreement with the Fire Chief's proposals to fill the two vacancies, but advised more extensive "affirmative action" relative to the hiring of a replacement for Firefighter Vinal.

#### Job-a-thon Report

The Board reviewed a report dated July 30, 1975, from the summer Job Coordinator relative to "Job-a-thon" activities to date.

#### Town of Arlington Suit - Binding Arbitration

The Board received a communication dated July 31, 1975 from the Massachusetts League of Cities and Towns relative to a request for support of the Town of Arlington in its litigation to appeal the constitutionality of the "Binding Arbitration" provision of the new Public Employee Bargaining Law (Chapter 150E, Section 4). The Executive Secretary reported that he had been in contact with Mr. Donald Marquis, Town Manager, Arlington, who informed him that Herbert Gleason from the City of Boston would try the case, due to be reported out for trial the week of September 15, in the Supreme Judicial Court, and suggested four ways in which Sudbury could support their case: 1) file an Amicus Curiae Brief, 2) assist in research, 3) provide moral support, and/or 4) provide funds to help pay for litigation.

Town Counsel David Turner expressed his opinion that Sudbury was now heavily involved in other litigations and did not believe there was sufficient time to prepare an "Amicus Curiae" for the Arlington case, due to the present workload of Sudbury's pending court litigations. The Board concurred with Town Counsel, and following discussion, it was on motion unanimously

VOTED: To endorse action by the Town of Arlington in litigation to appeal the constitutionality of the "Binding Arbitration" provision of the new Public Employee Bargaining Law (Chapter 150E, Section 4); and it was further

VOTED: To send a copy of the above endorsement to the Town of Arlington, the Massachusetts League of Cities and Towns, and the Massachusetts Selectmen's Association.

Trailer Permit - Robert and Elizabeth Ingersoll, 271 Boston Post Road

The Board received a communication dated August 20, 1975, from Mr. and Mrs. Robert G. Ingersoll, which requested that they be allowed to temporarily place a mobile home behind existing structures on 271 Boston Post Road, in order to effect necessary renovations and repairs while living on said property.

Town Counsel advised the Board that, under Article IX, Section V, D of the Zoning Bylaw, a trailer permit can be granted, provided the owner has a building permit. He further stated that the Board can set conditions, and the permit cannot cover a period of more than one year.

A letter, dated August 22, 1975, had been received from the Building Inspector, which stated that Mr. Ingersoll has received a valid building Permit No. A-6880 to cover repair of the property at 271 Boston Post Road, and recommended a trailer permit be granted for a period of one year, with a bond submitted to cover cost of trailer removal, if necessary.

Following discussion, it was on motion unanimously

VOTED: To grant permission to Robert G. and Elizabeth D. Ingersoll to park a mobile home on property located at 271 Boston Post Road, in accordance with the request of Mr. and Mrs. Ingersoll, dated August 20, 1975, and in accordance with provisions of the Sudbury Zoning Bylaw, Article IX, Section V, D, for a period of six (6) months, effective immediately.

Proclamation

The Board received a communication dated August 15, 1975, from the South Middlesex Association for Retarded Citizens requesting that a proclamation be signed by the thirteen towns and cities in the South Middlesex area in conjunction with an executive order from Governor Dukakis proclaiming the week of September 21-27 as Citizen Advocacy Week for the benefit of mentally retarded citizens in the Commonwealth of Massachusetts.

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

VOTED: To endorse the Governor's proclamation designating September 21 through September 27, 1975, as Citizen Advocacy Week in the Town of Sudbury for the benefit of mentally retarded citizens.

Commendation - Police and Fire Departments

The Board read and expressed its appreciation for receipt of a letter dated August 8, 1975, from Mr. Frederic J. Christiansen, 115 Willis Road, which commended the Sudbury Police and Fire Departments for the recent emergency service given to his family.

St. Anselm's Bingo Committee

The Board acknowledged and expressed its appreciation for receipt of a letter dated August 12, 1975, from Frank L. Dowling, Chairman of the St. Anselm's Bingo Committee, which complimented the Board of Selectmen on its handling of St. Anselm's bingo licensing.



Appointment

The Board received a communication dated August 6, 1975, from John Hare, Chairman of the Highway Commission, which designated Martha J. Coe as the Highway Commission nominee for appointment to the Wayland-Sudbury Septage Disposal Planning Committee.

It was on motion unanimously

VOTED: To appoint Martha J. Coe, 14 Churchill Street, representative of the Highway Commission, to the Wayland-Sudbury Septage Disposal Planning Committee, for a term to expire April 30, 1976.

Appointment - UN Day Chairman

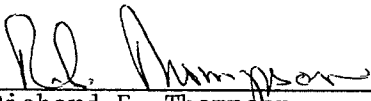
Upon the recommendation of the League of Women Voters of Sudbury, it was on motion unanimously

VOTED: To appoint Sue Ann Thome of 218 Willis Road, Sudbury, as UN Day Chairman for the Town of Sudbury for 1975.

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

VOTED: To adjourn the meeting at 11:15 p.m.

Attest:

  
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Richard E. Thompson  
Executive Secretary-Clerk