

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 24, 1975

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

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 Edward I. Shulkin, 80 Prides Crossing Road, and John Daniel Moylan, 26 Bowditch Road, to serve as jurors at Cambridge Court, and Gerald Hertweck, 73 Woodside Road, to serve as juror at Lowell Court, all commencing April 7, 1975.

Site Plan Application #75-144, Havencraft of New England, Inc., 83 Boston Post Road

Present: Arthur T. Rieders, applicant; Ronald Adolph, Chairman of the Board of Appeals

In accordance with Article IX, V, A of the Sudbury Bylaws, the Board considered the site plan of Havencraft of New England, Inc., for location at 83 Boston Post Road.

The Executive Secretary reported that petitions for permits for the sale and outside storage of boats and related accessories at that location had been heard by the Wayland (January 30, 1975) and the Sudbury (February 11, 1975) Boards of Appeals and granted, subject to limitations set forth in their respective decisions of those dates.

The Executive Secretary further reported that a report dated February 13, 1975, from the Director of the Board of Health and a report, dated February 13, 1975 from the Planning Board had been received, which recommended approval of the site plan subject to recommendations relating to screening, lighting, sign, and the sailboat display.

Mr. Rieders displayed the plan to the Board, and the recommendations set forth in the Planning Board's above-referenced communication and the permit limitations set forth in the decisions of the Sudbury and the Wayland Boards of Appeals were discussed.

Following discussion, it was on motion unanimously

VOTED: To defer further consideration of Site Plan Application #75-144 of Havencraft of New England, Inc., 83 Boston Post Road until Wednesday, February 26, at 8:00 p.m. in the Selectmen's offices at the Loring Parsonage;

and it was further

VOTED: To request that the Zoning Enforcement Agent work with the applicant and his engineer in revising the plan to reflect the decisions of the Wayland and the Sudbury Boards of Appeals and the recommendations of the Planning Board's February 13 letter before it is again considered by the Board.

Town Fathers' Forum - 98th Session

At 8:30 p.m., Chairman Powers convened the 98th session of the Town Fathers' Forum, a transcript of which is attached hereto and is a part of these minutes.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting of February 10, 1975, as corrected.

Svensk Kaffestuga, Inc., - Transfer of Stock

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

VOTED: To approve a transfer of fifty (50) shares of stock in Svensk Kaffestuga, Inc., from Mrs. Sara A. Lundberg to Mr. Harry O. Lundberg, in accordance with G. L. Chapter 138, Section 23, and subject to the approval of the Alcoholic Beverages Control Commission.

Sudbury House, Inc., - Weekday Entertainment License Change

In response to the request of Gerald W. Brogna, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To authorize the Executive Secretary to amend the weekday entertainment license of Sudbury House, Inc., 410 Boston Post Road, to include a guitar player/singer on Friday and Saturday evenings from 8:00 p.m. - 12 Midnight.

Confirmation of Existing Pole Locations - #UP75-28j

It was on motion unanimously

VOTED: To confirm the existence, upon property accepted by the Town as a public way, of Boston Edison Company and New England Telephone and Telegraph Company poles at the following locations:

The Wayside Inn Road, forty-one (41) individual poles and existing push braces as specified on a joint petition of Boston Edison Company and New England Telephone and Telegraph Co. dated January 10, 1975. This approval does not extend to proposed push braces and guy wires and anchors.

Resignation - Board of Registrars - Melvin E. Hodgkins

The Board received a communication dated February 13, 1975, from Betsey M. Powers, Clerk, Board of Registrars, which enclosed a copy of correspondence dated February 11, 1975, from Mr. Melvin E. Hodgkins, who tendered his resignation, as of that date, from the Board of Registrars, as he has moved from Sudbury.

It was on motion unanimously

VOTED: To accept the resignation of Melvin E. Hodgkins, a Republican member of the Board of Registrars, with regret and to direct the Executive Secretary to acknowledge Mr. Hodgkins' communication, expressing the Board's appreciation for his service on that Board;

and it was further

VOTED: To request the Republican Town Committee to submit two nominees for the vacancy that now exists on the Board of Registrars.

1942 Fire Truck - Disposition

Present: Fire Chief Josiah Frost

The Executive Secretary reported that the Board had received a request dated February 13, 1975 from Fire Chief Josiah Frost relative to his recommendations for disposition of an obsolete 1942 fire truck.

The Executive Secretary cited Article XII, Section 1 of the Sudbury Bylaws, which provides for such disposition, if approved by the Board of Selectmen, and stated that, as the total value of the equipment does not exceed \$1,000, disposition by public bid is not required. The Executive Secretary reported that Chief Frost had offered the truck to the Highway Department and to the Park and Recreation Commission, and as neither department has any use for it, the Chief is now recommending that the Town sell the chassis to the Massachusetts Fire Fighting Academy for the sum of one dollar and that the Town loan to that Academy the front-mounted Darley two-stage 300 G.P.M. pump now attached to the fire truck.

Following discussion, it was on motion unanimously

VOTED: To approve the recommendations of Chief Frost of the Fire Department to sell to the Massachusetts Fire Fighting Academy, State Road, Stow, Massachusetts, the 1942 fire truck chassis for the sum of one dollar;

and it was further

VOTED: To loan to that Academy the front-mounted Darley two-stage 300 G.P.M. pump Serial #13644, now attached to this fire truck, with the understanding that the Academy will maintain this pump in good working order and will remove and return the same to the Sudbury Fire Department upon the request of the Chief of the Sudbury Fire Department or whenever the Massachusetts Fire Fighting Academy has no further use for this pump.

Middlesex County Advisory Board

In response to a communication dated February 7, 1975 from Theodore E. Mann, Chairman of the Middlesex County Advisory Board, it was on motion unanimously

VOTED: To authorize the expenditure of \$37.50 from Account #500-81, Surveys & Studies, to the Middlesex County Advisory Board to defray operational costs of that Board.

Sudbury Auxiliary Police

Present: William Bonwitt, Thomas Coffey, Kenneth Adametz, Edward Murphy, Roger Davis, and two other members of the Sudbury Auxiliary Police

The Board, at its February 10, 1975 meeting voted to table further consideration

of the request of the Sudbury Police Auxiliary to carry arms until February 24, 1975, to allow Town Counsel to prepare a motion incorporating additional provisions relating to discussion at that meeting.

The Board, in the interim, had received such a motion from Town Counsel, which was now read by Chairman Powers. Chairman Powers also read a communication dated February 12, 1975, from William J. A. Bonwitt, Lieutenant, Sudbury Auxiliary Police, which reported to the Board that, until the Selectmen reach a decision in the matter of arming the Auxiliary, the Auxiliary shall remain inactive, performing no regular duties.

Selectman Toomey stated that in view of the auxiliary's letter, he was not, at this time, prepared to vote on Town Counsel's motion.

Mr. Bonwitt, on behalf of the Auxiliary, stated that the wording of Town Counsel's proposed motion was acceptable.

Mr. Buxbaum requested a clarification of the liability involved in the arming of the Auxiliary, and Town Counsel stated that liability would fall to the individual in the case of his negligence and to the Town in which an incident occurred, in the case of its negligence.

Following further discussion, it was on motion unanimously

VOTED: That the Chief of Police be and hereby is authorized to use Auxiliary Police to perform such of the powers and duties of police officers, in Sudbury, as may be prescribed by the Chief of Police; provided, that said powers or duties shall not be exercised or performed by them except while they are on active duty and displaying an authorized badge or other insignia after being called to such duty by the Chief of Police to meet a situation which, in his opinion, cannot be adequately handled by the regular police force; and while performing such duties, he may, by a written authorization noted in the police log, authorize an Auxiliary Police Officer to carry arms, provided that each Auxiliary Police Officer authorized to carry arms has been properly licensed to carry the authorized weapon, has been properly trained in the care and use of that weapon, has demonstrated reasonable proficiency in the care and use of that weapon and has a duty assignment that, in the opinion of the Chief of Police, is hazardous and warrants the carrying of a weapon.

1975 Annual Town Meeting - Article 26 - Join National Flood Insurance Program

Present: Lael Meixsell of the Citizens Natural Resources Committee; Eben Stevens, Paul McNally, Edward Connors, and Robert Cooper of the Planning Board; Marian Harris and John Cutting of the Conservation Commission; John Carter, Robert Walker and Pasquale Piscitelli of the Park and Recreation Commission; William Hall of the Business Advisory Committee; and Lawrence Gogolin of the Finance Committee

Members of the Citizens Natural Resources Committee, the Planning Board, the Park and Recreation Commission, and Business Advisory Committee met with the Board for a discussion relative to Article 26 - Join National Flood Insurance Program, a federally-subsidized program authorized by Congress in 1968, and amended in 1973, to protect property owners who until that time were unable to obtain coverage through the private insurance industry.

The Executive Secretary stated that the Board, at its November 25, 1974 meeting, had voted to request the Engineering Department to prepare information relative to the number of Sudbury homes and businesses which would be affected by a Housing and Urban Development (HUD) designation of location in flood hazard areas, to request Town Counsel to ascertain all obligations to the Town once program membership is obtained, and to reschedule consideration of the application after the beginning of 1975 to enable receipt of the above information.

The Executive Secretary reported that a report dated January 6, 1975, had been received from the Town Engineer, which indicated that 196 residences and 15 non-residential buildings were located in HUD designated flood hazard areas within the Town. The Executive Secretary further reported that an opinion dated February 13, 1975, relating to the Town's membership obligation had been received from Town Counsel and that Article 26 and Article 27, which proposes amendment to Article IX of the Sudbury Bylaws to include a flood plain hazard district, have been reviewed by Town Counsel's office.

The Executive Secretary stated that the federal flood insurance program had been authorized to protect property owners within the areas designated by HUD as flood hazard areas by making them eligible for flood insurance at low rates, in return for which certain regulations must be adopted by the Town. Mr. Thompson stated that Sudbury has been identified as a flood prone community and has received maps of the Town's flood zone areas as designated by HUD. He further stated that flood plain zoning is an existing part of the Sudbury Bylaws and that there are similarities between the flood plain areas designated by the Town and those designated by HUD.

Selectman Taft stated that HUD's flood hazard maps, which were based on a 100-year flood, were considerably different than Sudbury's flood plain zone.

Mr. Meixsell stated that the Town's flood plain zone is not based on a 100-year flood and that the areas which should be protected are substantial areas not now included for wetland protection. Mr. Meixsell stated that HUD flood hazard maps are based on a 100-year flood and are, therefore, somewhat different from flood plain zoning maps because HUD has attempted to include in their maps water retention areas of the Town. Mr. Meixsell further stated that HUD's map is a preliminary one and may have been based on the U.S. Coast and Geodetic Survey, which is a more coarse type of map than Sudbury's flood plain map.

Selectmen Taft stated that the 125' elevation flood plain basis for Sudbury's zoning was a flood occurring in 1954, which was considered a century flood.

Mr. Cooper commented that the Town would be able to submit its flood plain zoning maps to HUD for possible substitution for their admittedly poor maps and that the Town could receive instruction in this regard.

In response to Selectman Taft's question, Mrs. Harris stated that once final flood insurance rate maps have been established, the Town must restrict but not prohibit building within the flood hazard areas -- ground floor level must not be below the flood hazard elevation.

Town Counsel stated that following a community's acceptance in the flood insurance emergency program, HUD will contract and bear the expense of a more thorough study of that community's flood hazards, following which a topographical rate map will be issued. Town Counsel stated that following receipt of the rate map, a community can refuse and appeal the same if not in agreement, and if negotiations are unsuccessful, a community can take HUD to Federal court to reject or refuse HUD's determination and, hopefully, to amend the maps to the community's way of thinking. Town Counsel also stated that the Town's technical data on aerial maps and the hydrological study would be acceptable technical information upon which to base such an appeal, if necessary, and that a determination for such a necessity could be made within a two-week period, but would want comment from the Town Engineer in this regard.

In discussion that followed relative to non-adoption of the program, the Executive Secretary referred to a February 1, 1974, edition of HUD News, which stated that if a property owner fails to buy the required insurance or a community fails to meet the deadline in joining the National Flood Insurance Program, federal and federally-related financial assistance for buildings in the flood plain will be unavailable to any community or property owner that does not comply with the Act -- federal and federally-related financial assistance being interpreted as all forms of loans and grants, including mortgage loans and disaster assistance loans, from either a federal agency such as FHA, VA, or the Small Business Administration, or banks or savings and loan institutions.

Further discussion included the need for the periodic adjustment of the rate map to accommodate changes due to drainage and building construction which would, in turn, change the present water run-off rate.

Mr. Taft stated that the Board should be in a position by the 1975 Annual Town Meeting to provide information as to the impact of the 1973 flood program legislation as it relates to selling homes and acquiring mortgages.

Mr. Meixsell stated that it is the intent of the petitioners to withdraw Article 27.

In discussion of adoption of the program by the Board or by a vote of the Town, the Board, Town Counsel, and Assistant Town Counsel were of the opinion that this was a matter which should be voted upon by Town Meeting. The Executive Secretary stated that anyone having questions relating to the program, was welcome to come to the Selectmen's offices for further explanation.

Mr. Gogolin asked whether joining the program would create any financial impact upon the Town and was told that, as far as is known, there is none.

The Board directed the Executive Secretary to have copies of flood zoning maps placed in the library for the public's information, and that the Assistant Town Counsel draw up an informational sheet for distribution at Town Meeting.

Tax Anticipation Notes

The Board noted receipt of a communication dated February 13, 1975 from the Town Treasurer who awarded bids for the Town of Sudbury on \$1,000,000.00 on Tax

Anticipation Notes, dated February 20, 1975, and due on May 15, 1975, as follows:

Community National Bank	3.38%	200M
Community National Bank	3.47%	200M
State Street Bank & Trust Co.	3.47%	250M
Newton-Waltham Bank & Trust Co.	3.49%	250M
Guaranty-First Trust Co.	3.49%	100M

Pillory - Town Common

The Board noted receipt of a communication dated February 12, 1975, from Betty Ann Kopp, 69 Butler Road, relative to the pillory which once stood on the Town Common.

Special Meeting - February 26, 1975

It was on motion unanimously

VOTED: To defer consideration of the remaining items on tonight's agenda until a Special Meeting of the Board on February 26, 1975.

Executive Session

At 10:30 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing 1975-76 collective bargaining matters.

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

VOTED: To adjourn the meeting at 11:40 p.m.

Attest:



Richard E. Thompson
Executive Secretary-Clerk