

IN BOARD OF SELECTMEN
MONDAY, JULY 14, 1975

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

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:45 p.m. by Chairman John E. Taft.

Application for License for Underground Storage - Town of Sudbury

Present: Fire Chief Josiah F. Frost

In accordance with the provisions of Chapter 148 of the General Laws, the Board of Selectmen held a public hearing on the application of Richard E. Thompson, Executive Secretary, Town of Sudbury, for a license to store inflammables as follows:

Underground, 3000 gallons unleaded gasoline, in addition to the present storage of 5000 gallons regular gasoline, on Town-owned land located at Fire Station #2, 550 Boston Post Road.

The Executive Secretary reported that the hearing had been advertised and that all abutters and appropriate Town boards and commissions had been notified by certified mail. Mr. Thompson stated that the requested underground storage would enable the Fire and Police Departments to supply its equipment with unleaded gasoline at a lower cost. Mr. Thompson reported that the application request had been approved by Fire Chief Frost on June 17, 1975.

Following discussion, it was on motion unanimously

VOTED: To approve the application of the Town of Sudbury to store underground 3000 gallons of unleaded gasoline, in addition to its present storage of 5000 gallons of regular gasoline at Fire Station #2, 550 Boston Post Road.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the special meeting of June 17, 1975; the regular and executive session of June 30, the former as corrected; and the special meeting and executive session of July 7, 1975, the former as corrected.

Resignation - Conservation Commission

The Board received a communication dated July 7, 1975, from Marion P. Harris, relative to her resignation from the Conservation Commission effective July 8, 1975.

It was on motion unanimously

VOTED: To accept the resignation of Marion P. Harris, with regret, and to direct the Executive Secretary to acknowledge Mrs. Harris' communication, expressing the Board's appreciation for her years of service on the Conservation Commission.

Chairman Taft noted Mrs. Harris' special contribution to the Commission relating to her work on the Wetland Protection Act hearing procedures.

Site Plan Application #75-149, Philip J. and Marjorie A. Newfell, 57 Codjer Lane

Present: Philip Newfell, applicant; David Weir, property owner; Francis E. White, Zoning Enforcement Agent; Daniel and Barbara Bortle, Robert Nims, Irwin Leav, and several other residents of Codjer Lane

In accordance with Article IX, Section V, A of the Sudbury Bylaws, the Selectmen considered the site plan application (#75-149) of Philip J. and Marjorie A. Newfell for property located at 57 Codjer Lane.

The Executive Secretary stated that the following Town board reports had been received: from the Board of Health, dated July 3, 1975, which recommended approval; from the Planning Board, dated July 9, 1975, which recommended conditional approval; and an informational report from the Zoning Enforcement Agent, dated July 11, 1975. The Executive Secretary also reported that a letter dated July 7, 1975, in support of the application had been received from John Campana, 38 Hadley Road.

The Zoning Enforcement Agent submitted the site plan and stated that the only change indicated on the plan, which had earlier been before the Board, was the use of the building.

Mr. Newfell stated that the building would be used for the wholesale assembly of hardware material.

Chairman Taft stated that the site under consideration is located in Industrial District #2, and read from the Bylaws the uses permitted in this type of District and stated that the proposed use fell within the provisions of the Bylaw.

Items of the Planning Board's July 9 communication were reviewed and the following agreements reached:

Utility Pole - Indication should be made on the site plan as to whether the utility pole will be used to illuminate the property and, if used, it is understood that it will be in accordance with Town bylaws.

Adequate Screening - Mr. Newfell stated that a recent survey had indicated that the existing fence was located six feet within Mr. Weir's property line. Mr. Bortle stated that he had always maintained his property to the fence and that he wished the property line to be clarified on the site plan. Mr. Newfell stated that he would restore the existing fence for purposes of adequate screening and move the same to the property line.

Easterly Driveway - Mr. Newfell was asked to indicate the closing of the easterly driveway on the site plan if such closing is decided upon.

Removal of Dirt Piles - This decision is under the jurisdiction of the Earth Removal Board -- in any event, there will be no filling of the wetlands.

Question of Need for a Variance for Insufficient Sideline - It was the opinion of Town Counsel that Chapter 40A, Section 22 of the General Laws, as amended by Chapter 678 of the Acts of 1970, which sets a six-year statute of limitations for enforcing zoning ordinances of bylaws, would preclude the need for a variance as the building on the site was constructed in 1955 and no action had since been brought by any parties.

Size and Location of Sign - Mr. Newfell stated his intent to use a 12" x 14" sign, and the Board requested that he indicate the removal of the existing 12' x 4' sign from the site plan and note use of the smaller sign.

Selectman Toomey suggested that the applicant, the property owner, and the immediate abutter, Mr. Bortle, work with the Zoning Enforcement Agent to revise the site plan in accordance with the above recommendations and agreements, and it was on motion unanimously

VOTED: To continue consideration of the site plan of Philip J. and Marjorie A. Newfell, for property located at 57 Codjer Lane, until July 28 at 9:00 p.m.

Equal Employment Opportunity Bylaw Committee - Report

Present: Carroll Brownlee, Chairman, and Nancy Blecher (former member) of the Equal Employment Opportunity Bylaw Committee; Cheryl Rogers, candidate for appointment to the EEOBC

Chairman Taft reported that Carroll Brownlee, Nancy Blecher, and Stephen Bankuti had earlier submitted to the Selectmen a report dated August 5, 1974, of the Equal Employment Opportunity Bylaw Committee with recommendations regarding affirmative action to implement the equal employment opportunity bylaw. Chairman Taft stated that tonight's meeting had been scheduled to discuss this report and the comments on the same from Town Counsel, dated May 14, 1975, and from the Executive Secretary, dated May 29, 1975.

The Committee's specific recommendations to implement an affirmative action program were discussed and the following agreement reached:

- 1) to study the establishment of a policy whereby copies of all town contracts would be forwarded to the Equal Employment Opportunity Bylaw Committee,
- 2) to distribute to department heads a memorandum on bid law requirements and hiring procedures relating to equal employment practices, and
- 3) to continue the implementation of the bylaw through regular contact with the office of the Executive Secretary.

It was the recommendation of the Executive Secretary that the Committee be continued for their help and assistance in implementing their recommendations.

At the request of the Board, Mrs. Rogers agreed to meet with the Selectmen at a later date for the purpose of being interviewed for possible appointment to the Committee.

Executive Session

At 9:20 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussion, which, if made public, might adversely affect the reputation of an individual.

The executive session adjourned at 9:40 p.m.

Highway Superintendent

Present: Assistant Highway Superintendent John Lindgren and about a dozen Highway Department employees

Chairman Taft stated that the Board was not unmindful of the events recorded in the press since last Monday night and wished to make a response.

Chairman Taft stated that the Board wished to make available to the press a memorandum from Town Counsel dated July 10, 1974, which was two days after the completion of the Haskins & Sells audit report. Chairman Taft stated that this memorandum had not been available to the Board until last week, but had been made available to the Attorney General's office, and would make clear the Board's concerns with the continuation of Mr. Blaine as Highway Superintendent.

Chairman Taft stated that the press had carried references relative to the payment of the Executive Secretary's salary in 1972, which, in his opinion, should be corrected. Chairman Taft reported that the Selectmen, in 1972, had twice requested a transfer from the Reserve Fund from the Finance Committee which was twice denied and that the \$600 deficit in the Executive Secretary's salary had never been paid.

On the subject of the press reference to the employees of the Engineering Department working Saturdays at Heritage Park on Town funds, Chairman Taft stated that the Engineering Department employees worked these Saturdays on their own time, uncompensated.

The Executive Secretary stated that the press had reported four or five items mentioned by the Highway Commission as inappropriate and stated that he is available in his office between 9:00 a.m. - 5:00 p.m. and that departmental records may be checked on any of the inaccurately reported matters.

Selectman Toomey stated that the reason that the Selectmen were giving individual statements was to show their agreement as a Board on the subject of their request to the Highway Commission for termination of Mr. Blaine. Selectman Toomey stated that it was his belief that Mr. Blaine cannot fulfill the position as Highway Superintendent and that an immediate change must be made.

Selectman Powers read a prepared statement dated July 14, 1975, in response to recent press statements, citing legislation empowering selectmen to make an investigation into the conduct and operation of any town department and legislation requiring selectmen to report violations relating to the expenditure of public funds to the District Attorney. Selectman Powers' statement asked that the Selectmen, proceeding under the provisions of General Laws, Chapter 44, Section 62 and other relevant sections, direct the Town Counsel to proceed to prepare the appropriate report to the District Attorney of Middlesex County for action.

Selectman Powers' statement further requested that the Board direct Town Counsel to obtain full trial transcripts of the recent larceny trials from the Superior Court and he stated that the procedures he is now requesting do not concern the recent larceny charges but the apparent repeated violations of laws governing the handling of public funds which have not been tried or presented to a grand jury.

Following completion of Selectman Powers' statement, the Board directed Town Counsel to secure a transcript of the trials.

Assistant Highway Superintendent, John Lindgren, speaking on behalf of the employees of the Highway Department, expressed their support of the Board's action and comments.

Buddy Dog Humane Society, Inc., - Report of the Dog Officer

Present: Francis E. White, Dog Officer

Dog Officer Francis E. White met with the Board on the subject of the status of the Buddy Dog Humane Society, Inc., Mr. White reported that since Buddy Dog had moved from Sudbury on March 7, 1975, the Town has had twenty-six unclaimed dogs, of which twelve were sold to Buddy Dog, five were placed by the Dog Officer, five were disposed of for reasons of health, and four were still on hand.

Mr. White stated that he had contacted Mr. Kreitsek, president of the Buddy Dog Humane Society, Miss Ann Sargent, and the owner of the kennel in Brockton which is being used by the Buddy Dog Society and that Mr. Kreitsek and Miss Sargent stated that Buddy Dog will take Sudbury dogs, but the kennel owner says he needs several weeks before he can take the dogs in.

Mr. White reported that the earlier anticipated August 1, 1975 completion of the new Buddy Dog operation on Boston Post Road cannot be met and that, following this date, they must redesign their sewage system to comply with new Board of Health regulations, which present a problem.

Following discussion, it was agreed that Mr. Taft would contact Mr. Kreitsek to discuss the matter further and report back to the Board.

Award Bid - Installation of Low Lead Gasoline Storage Tank - Town of Sudbury

Present: Fire Chief Josiah Frost

Fire Chief Frost, referring to his communication dated July 11, 1975, reported that bid specifications for installation of a low lead gasoline storage tank had been mailed to six companies and that two responses had been received. Chief Frost stated that inasmuch as only one bid was within the \$3500 appropriation for this purpose, it was his recommendation that the bid be awarded to the low bidder, Zecco, Inc.

Following discussion, it was on motion unanimously

VOTED: To award the bid for furnishing and installing at Fire Station #2, 550 Boston Post Road, a reconditioned service station gasoline pump and a new 3000 gallon underground gasoline storage tank to the low bidder, Zecco, Inc., in accordance with their June 27, 1975 communication.

Selectman Toomey requested that the Engineering Department indicate on a plan the location of the existing 5000 gallon storage tank as well as the proposed 3,000 gallon storage tank for future reference.

Fire Alarm Maintenance

Present: Fire Chief Josiah F. Frost

Fire Chief Frost met with the Board to request that \$2,500 of the \$3,000 appropriation

balance, following the award for \$6,000 of a fire alarm panel, be used to run a short section of underground cable to allow a large looped circuit to be broken down into three smaller units as the first step in bringing the fire alarm system up to specifications and to facilitate location and repair of malfunctions within the circuit.

Chief Frost stated that he hopes to break down the three existing large circuits into nine smaller circuits for use with the new fire alarm panel, and he displayed a map which indicated the three circuits as they now exist.

Chairman Taft stated that, in his opinion, the Fire Department's main concern should be circuits to schools, churches, and other public buildings and suggested that an overlay of circuit arrangements to such buildings be made to use in conjunction with the present map.

Selectman Toomey stated that a Fall Special Town Meeting is being planned and suggested that Chief Frost's request for use of the \$2,500 surplus for improvement of the fire alarm system be brought up at this time. Mr. Toomey suggested that the Fire Chief prepare such an article, looking at total costs over the next three years.

It was the consensus of the Board to request the Fire Chief to proceed in this direction, with the main concentration to be on public and mercantile buildings.

Reserve Fund Transfer Request

Present: Fire Chief Josiah F. Frost

The Board had earlier received a communication dated July 1, 1975, from the Fire Chief relative to a transfer request for the repowering of Engine #3, the Department's 1,000-gallon-per-minute pumper.

Following consideration, it was on motion unanimously

VOTED: To approve a request for transfer from the Reserve Fund (#0641) in the amount of \$10,000, or a lesser sum, to be determined upon receipt and award of bids, to Account 310-31 - Fire Department - Maintenance Expense, for the purpose of repowering Fire Department Engine #3.

Council on Aging - Appointment

In response to a communication dated July 7, 1975, from the Chairman of the Council on Aging, which reported the resignation of Mrs. Margaret Bennett from the Council and which recommended the appointment of Mr. Donald Willard as her replacement, it was on motion unanimously

VOTED: To appoint Donald Willard, 18 Evergreen Road, to the Council on Aging, effective upon the receipt of Mrs. Bennett's resignation, for a term to expire on April 30, 1978.

Application for Hawkers and Peddlers License

The Board received an application for a hawkers and peddlers license from Fred Lowenstein, 166 Hunnewell Street, Needham, to sell soft beverages at the intersection of Route 20 and Nobscot Road.

Discussion followed during which it was agreed to review the Board's present rules and regulations on the subject of hawkers and peddlers, and it was on motion unanimously

VOTED: To table the above-referenced application until the subject is reviewed.

One Day Licenses - Beer and Wine - Frozen Desserts, Ice Cream

In response to its request, it was on motion unanimously

VOTED: To issue the following one-day licenses to M.S.S. Indulgence Society, Michael Barilone, President, for its Annual Feast Day at Chapel on Mossman Road, for Sunday, July 27, 1975:

1) For the sale of wines and malt beverages only, subject to the condition that no loud speakers, amplifiers, or any other noise producing devices are used; and

2) For the sale of frozen desserts, ice cream mix, confectionery, soda water, or fruit on the Lord's Day.

1975-76 Juror List

It was on motion unanimously

VOTED: To approve the 1975-76 Juror List dated July 14, 1975, as presented by the Executive Secretary.

Executive Session

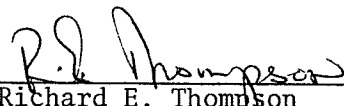
At 11:15 p.m. it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing, deliberating, or voting on matters which, if made public, might adversely affect the financial interest of the Town and the reputation of persons.

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

VOTED: To adjourn at 11:35 p.m.

Attest:


Richard E. Thompson
Executive Secretary/Clerk