

IN BOARD OF SELECTMEN
MONDAY, MARCH 17, 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.

Minutes

It was on motion unanimously

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

One-Day Auctioneer's License - Gordon P. Thompson

In response to a request dated March 6, 1975, from Gordon P. Thompson, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To grant a one-day auctioneer's license to Gordon P. Thompson, Arlington, Massachusetts, to conduct an auction at 31 Singletary Lane, Sudbury, April 15, 1975, at 10:00 a.m. for the purpose of sale of said property.

Sudbury Business & Professional Women's Club

The Board received a communication dated March 5, 1975, from Mary Jane Hillery, President of the Business and Professional Women's Club, which requested use of the upper Town Hall on Saturday, May 24, for a craft fair and permission to place a sign on Town property in front of Town Hall. The communication also referenced their plan to hold a raffle, and the Board requested the Executive Secretary to determine whether or not a raffle permit will be necessary.

Discussion followed relative to the Board's vote several years ago which prohibited advertising displays in Sudbury Centre.

It was on motion unanimously

VOTED: To direct the Executive Secretary to inform Mrs. Hillery of the Board's earlier vote and to suggest that their sign be displayed on the sign board attached to the front of the Town Hall.

Long Range Capital Expenditures Committee - Five-Year Capital Improvement Program

Present: William Rynne, William Reed, Marjorie Huse of the Long Range Capital Expenditures Committee; John Wilson, Town Accountant, Frank Gleason, researcher

At the Board's regular meeting on March 3, 1975, the Board reviewed the five-year capital improvement program submitted by the Long Range Capital Expenditures Committee, following which the Board requested that the Committee incorporate into its report the Selectmen's recommendations and comments before its final acceptance.

The program had been updated and redistributed to the Board, and the Executive Secretary reviewed the changes with the Selectmen.

The Executive Secretary was requested to check the school population figures which appear in the program.

Chairman Powers thanked those who participated in the five-year capital improvement program, congratulated them on their fine work, and stated that the program's formal presentation and distribution will be made at the Town Fathers' Forum on April 2.

Sudbury Police Department - Towing Procedures

Present: Police Chief Nicholas Lombardi; Richard Jokisaari of Station Road Auto Body; Gilbert Parmenter of Colonial Auto; and Herbert Segien of Mosher Auto Body

In response to a request dated January 23, 1975 from Station Road Auto Body, Inc., the Board met with the owners and operators of towing equipment from Station Road Auto Body, Colonial Auto, and Mosher Auto Body, and the Police Chief to discuss towing procedures of the Sudbury Police Department.

Mr. Jokisaari stated that he is concerned with towing procedures under the police authority and he presented to the Board tow rates as set by the Department of Public Utilities in 1970, stating that to have an operator charge any figure other than these established rates is to be in violation. Mr. Jokisaari also stated that under the present towing procedures, the three companies are essentially on call for 24 hours a day for fire and police emergency calls and suggested that the procedure be based on a weekly schedule.

Mr. Jokisaari also stated that it is his understanding that one of the towing operators is not charging the police department for tows, which is a violation and, that, in his opinion, preferential treatment is being shown on the number of tow requests received as well as the repairability and worth of the vehicles.

Mr. Segien of Mosher Auto Body stated that as a resident of the Town he has done work for P.R.I.D.E. and the Fire, Police, and Highway Departments, for which he has not always charged a fee. In response to a question, Mr. Segien stated that his business volume is approximately five times that of the other two tow operators combined. Mr. Segien also stated that, at times, a driver will request that the towing be done by a specific company.

Mr. Parmenter stated that, in his opinion, the present rotational system could be improved, that he does not like being on 24-hour call, and that he would recommend that the procedure be done on a weekly basis. On the subject of preferential treatment, Mr. Parmenter stated that he had nothing more than his suspicions.

Selectmen Toomey stated that, in his opinion, more than one towing vehicle per week is necessary and that the prime concern is that the roads be cleared quickly for the safety of the public.

Mr. Parmenter stated that he does not believe the public will suffer, if a two-week-on (second week to provide back up service), one-week-off system were used.

In response to questions, both Mr. Jokisaari and Mr. Parmenter stated that they had not refused any tow requests.

Police Chief Lombardi reported that Mr. Jokisaari had come to see him sometime ago, stating that he was not satisfied with the police procedure on towing. Chief Lombardi stated that the second time Mr. Jokisaari came to see him on the matter, he and the police sergeants had discussed the subject and agreed that the present system is the best one for the Department and Town public safety.

Chief Lombardi reported that he had begun keeping a log on April 17, 1974, following his meeting with Mr. Jokisaari and, when he saw Mr. Jokisaari's letter dated January 23, 1975, had made the following observations: from April 17, 1974, to January 18, 1975, there had been 323 tow requests and that each of the three towing operators had received approximately 107 calls, to which Station Road Auto Body failed to respond 32 times, Colonial Auto failed to respond 36 times, and Mosher Auto Body failed to respond two times. Chief Lombardi stated that a busy signal or no answer is considered a non-response.

Mr. Jokisaari stated that, in his opinion, the police officers decide who gets the tow.

Police Chief Lombardi responded that the duty sergeant calls the three companies on the rotational system, which is always used except in instances where a driver at the scene of the accident requests a particular operator.

Police Chief Lombardi presented the tow log to the Board for the Selectmen's review and stated that, in his opinion, the present procedure works well.

Mr. Jokisaari stated that, in his opinion, there have been instances where he has missed tows and his back-up man has never been called and that, further it is his opinion that his company would not be called by the Police Department.

Chief Lombardi responded that from the time Mr. Jokisaari wrote his letter, he has made sure that Station Road Auto Body has received every third call.

Selectman Taft stated that if any police officer is taking any gratuity, as suggested by Mr. Jokisaari, he is taking it at his risk, as this would be a criminal act.

Mr. Jokisaari stated that it is not normal procedure to do a job as a gratuity or at cost and mentioned a particular case in which a car was brought to him for a written estimate and that when the job was done elsewhere, there was a difference between the cost and the original estimate.

Selectman Taft requested that Mr. Jokisaari check his records for this particular incident and that it be followed through for verification.

In response to the Board's question, Mr. Segien estimated that 30% of his total business came from the Police Department.

Chairman Powers stated that if anyone asks a town operator for a gratuity, it is expected that it will be reported to the Selectmen and to the Police Chief, but that the Board is interested in fact, not rumor. Chairman Powers further stated that if the operators have a complaint and that complaint deals with any individual to report it to both the Selectmen and to the Chief and that it will be pursued.

Selectman Taft stated to Mr. Segien that he did not care for the inference that Mr. Segien will do any free work for the police or other Town vehicles and that to avoid any suspicion he should not treat anyone with favoritism.

Selectman Taft stated that, in his opinion, the Chief is "bending over backwards" in an effort to be fair in the operation of the towing procedures, and Chairman Powers and Selectman Toomey were in agreement.

Chief Lombardi stated that the second time Mr. Jokisaari asked him to make a change in the present towing procedures, he had suggested that Mr. Jokisaari check the log.

Chairman Powers suggested that Mr. Jokisaari keep his own log if in disagreement with the Police Chief.

The Board, in concluding the hearing, requested that a copy of the present Police Department's towing procedures be provided to all Town towing companies and the press, and supported the Police Department's present practice of calling local tow companies on a continuous rotation basis.

Raymond Land

Present: Milton Bartlett and George Mercury of the Sudbury Water District; Pasquale Piscitelli, Arthur Walker, John Murray, and Robert Grant of the Park and Recreation Commission; John Cutting of the Conservation Commission; James Merloni, Town Engineer, and Bruce Kankanpaa, Assistant Town Engineer.

Assistant Town Engineer Bruce Kankanpaa presented plans of the Raymond Land indicating its present and future uses as proposed by the Sudbury Water District, Conservation Commission, and the Park and Recreation Commission.

The map indicated a second Water District well site area to be located southwesterly of the existing District building in an area now partially controlled by the Selectmen. Mr. Bartlett requested that the Selectmen reserve this well site area, as well as the northerly access route shown on the map and an area for an alternate access route running southeasterly to an existing well site. Mr. Bartlett stated that it is not known at this time which access road will be most economical.

Mr. Piscitelli reported that the Park and Recreation Commission's requests for land acquisition were as illustrated on the map.

Mr. Cutting stated that the Conservation Commission is interested in managing everything on the westerly side of Raymond Road not required by the well or the rights-of-way into the well.

On the subject of the Conservation Commission's proposal to develop a skating pond in the area between the old and new Raymond Roads, Mr. Bartlett stated that there would be no objection if the area water level were not changed.

Discussion followed about use of a more southerly proposed well site access route through the area now controlled by the Selectmen, and the Town Engineer stated that this latter proposal would be through very low land and would necessitate the use of fill and the piping of the brook through a culvert.

Chairman Powers requested that copies of the proposed use map be updated as stated above and distributed by the Executive Secretary's office to the various agencies for final comments.

Discussion followed concerning the possibility of Park and Recreation's use of present Selectmen controlled land on the westerly side of Raymond Road in the general area of the proposed well site, and Mr. Bartlett stated that if the Park and Recreation Commission wishes to propose an access road and if it is reasonably within distance of that of the Sudbury Water District, it may be possible to use the same road.

Selectman Toomey requested that the Conservation Commission submit to the Board a rough schematic plan showing the proposed use of the land they hope to acquire.

After further discussion, it was agreed that additions should be made to the proposed usage map to include the following:

- Possible future straightening of a section of Raymond Road near the tennis courts.
- Provide contour or elevation lines on the map.
- Show alternate access road for the second Water District well site.

Appointments

The Executive Secretary reported that a request has been made by the Chairman of the Board of Appeals to appoint a particular candidate as an Alternate to that Board.

The Selectmen directed the Executive Secretary to ask the Chairman of the Board of Appeals for the attendance record of the present Alternates, and if the Appeals Board still determines there is a need for an additional Alternate, that the recommendation for an additional Alternate come from the Board of Appeals as a whole.

Board of Registrars - It was on motion unanimously

VOTED: To appoint Louise Babigian, 43 Saxony Drive, to the Board of Registrars to fill the unexpired term of Melvin E. Hodgkins, which will expire on April 30, 1975.

Bowker Land Grant V

Town Counsel , referring to his communication dated March 13, 1975 reported that he had filed a Complaint for Declaratory and Injunctive Relief against Bowker Land Corporation which requests that the Court enter a restraining order prohibiting that corporation from removing earth material from Bowker Land Grant Section V, and, further, asking declaratory judgments concerning the impact of substantial earth removal upon the status of the lots within the subdivision.

Town Counsel's March 13 communication requested that the Board review the complaint and indicate to him any areas that should be reviewed prior to trial.

Mr. Turner reported that, following a hearing, the Court had granted a restraining order. Mr. Turner estimated that 40,000 - 60,000 cubic yards of earth have been removed in Bowker V and stated that the owners have offered to restore the land.

The Board authorized Town Counsel to make such preparations as he thought appropriate to proceed, and Town Counsel reported that he plans to hire a soil consultant and will probably have his report within three weeks.

Reserve Fund Transfer Requests

#0545 - Copying Service - Following discussion, it was on motion unanimously

VOTED: To approve a request for a transfer (#0545) in the amount of \$600.00, from the Reserve Fund to Account 950-94, Copying Service, inasmuch as the magnitude of the copy requirements has exceeded the initial budget.

#0590 - Telephone - Following discussion, it was on motion unanimously

VOTED: To approve a request for a transfer (#0590) in the amount of \$1200.00 from the Reserve Fund to Account 950-99 Telephone, inasmuch as the Telephone Company rates have substantially increased since the budget was originally requested.

Companys of Militia and Minute

The Board received a communication dated March 1, 1975, from the Sudbury Companys of Militia and Minute which conveyed a check for the sum of \$580.00, \$100 of which will be used to repay the Revolutionary War Bicentennial Committee and the balance of \$480 as a donation to the account of the Memorial Day Committee for help in defraying the expenses of "The Price of Freedom" Bicentennial program presented on May 26, 1975.

It was on motion unanimously

VOTED: To accept the gift of \$580.00 and to express the Board's appreciation to the Sudbury Companys of Militia and Minute.

National Flood Insurance Program

Chairman Powers announced that the League of Women Voters has scheduled a meeting on March 18, 1975, at 7:30 p.m. in the lower Town Hall on the subject of the national flood insurance program.

Chairman Powers stated that he had contacted Mr. Owen of Congressman Drinan's office, who conveyed Congressman Drinan's suggestion to the Town that if there are specific questions dealing with the flood insurance program, they be committed to writing, and forwarded to his office for transmittal to Washington where they will be answered by the Washington Bureau Chief in charge of the program.

Massachusetts Selectmen's Association - Tax Reform Resolution

The Board received a communication dated March 7, 1975, from the Massachusetts Selectmen's Association which requested that the Town introduce a resolution for acceptance at the 1975 Annual Town Meeting in an effort to secure tax reform by petitioning the General Court and the Governor to vote in favor of a program of municipal aid and additional educational aid during this legislative session and to redistribute the tax burden through use of the less regressive tax forms available at the State level such as sales and/or income tax.

Following discussion, it was on motion unanimously

VOTED: To introduce a resolution at the 1975 Annual Town Meeting, as described above, in an effort to secure tax reform.

Boston Edison Company - Peakham Road

The Board received a communication dated March 6, 1975, from Frederick A. Roth, District Manager, Boston Edison Company, in regard to their unsuccessful attempts to extend an existing pole line in the southerly area of Peakham Road.

Following discussion, the Board directed the Executive Secretary to invite Mr. Roth to resubmit the Peakham Road petition for further consideration. The Board suggested that Mr. Roth attend any future hearing in regard to this subject.

Highway Commission - Designation of Local Roads and Part of the Federal Aid Urban Systems

The Board received a communication from the Highway Commission requesting the Board's attendance on March 18 for discussion relating to designation of local roads as part of the Federal Aid Urban Systems Network.

Following discussion, it was on motion unanimously

VOTED: To request the Executive Secretary to attend the Highway Commission's March 18 meeting, for informational purposes only, in order to learn the intent and ramifications of the program to the Town.

Industrial Development Commission

The Executive Secretary announced that he had been contacted by Mr. Babigian of the Industrial Development Commission, who reported that Leon Zola had been elected as Chairman of the Industrial Development Commission and that he (Mr. Babigian) had been elected as Clerk.

Mr. Thompson also reported that it had been the Commission's decision to limit their membership to five, and will make a recommendation to the Board on the fifth member.

Heritage Park

Chairman Powers announced that it had been the unanimous vote of the Revolutionary War Bicentennial Commission to postpone the dedication of Heritage Park from April 19 until June, with the exact date to be announced at a later time.

1975-76 Collective Bargaining Negotiations

The Executive Secretary announced that mediation with the Sudbury Police Department is scheduled for Monday, March 24, 1975, at 9:30 a.m.

DPU - New England Telephone Co.

The Executive Secretary reported that the Department of Public Utilities has granted the New England Telephone & Telegraph Company a three-month extension for undertaking a study relative to expanding the area calling service to Sudbury subscribers.

Joint Legislative Committee on Education - Public Hearing

The Executive Secretary reported that the Board had received a notice dated March 12, 1975, which reported that a public hearing on a bill to provide a constitutional amendment to allow town meetings by a four-fifths vote to delete or reduce school committee budget expenditures will be held on Monday, March 24, 1975, at 11:00 a.m. before the Joint Legislative Committee on Education.

Middlesex County Advisory Board

Chairman Powers reported on a recent meeting of the Middlesex County Advisory Board in Concord concerning the Middlesex County budget and announced that another meeting will be held on March 26 for the purpose of taking votes on direction or advice to the legislature relating to the Middlesex County budget.

Governor's Advisory Committee

Selectman Taft reported on a March 11 meeting of the Governor's Advisory Committee on the subject of excise tax billing on automobiles and the suggestion that the Department of Community Affairs work with the Department of Corporations and Taxation to assist the towns and cities in their revaluation programs.

Selectman Taft reported that he had been invited to Sturbridge on March 12, where he had met with citizens concerning the revaluation of property within that Town.

Executive Session

At 11:00 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, would adversely affect the financial interests of the Town and the reputation of any persons.

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

VOTED: To adjourn the meeting at 11:20 p.m.

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