

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 22, 1975

Present: Chairman John E. Taft 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 7:30 p.m. by Chairman John E. Taft.

Hawkers and Peddlers Regulations

Present: Richard Ginsberg, General Manager, and Andrew Fellman, Associate, of International Mobiles Corp. and International Ice Cream Corp.; Mr. and Mrs. Peter Berkel, 68 Surrey Lane; Robert Coe, 14 Churchill Street

Chairman Taft reported that following receipt of a letter dated July 10, 1975 from Mr. Richard S. Ginsberg, requesting that restrictions on the permit issued to one of his drivers be removed, the Board at its July 14 meeting had instructed the Executive Secretary to review with Town Counsel the recently adopted rules and regulations pertaining to hawkers and peddlers. Chairman Taft stated that the Board at that time agreed to continue discussion of the matter at a later meeting in order that Mr. Ginsberg and interested Townspeople be invited to attend.

The Executive Secretary read Mr. Ginsberg's July 10, 1975 communication to those present.

Mr. Ginsberg described his company's operation and stated that one of their trucks has been leased to cover this area since 1972 and that the recent restrictions on hawkers and peddlers licenses create a great hardship to the Sudbury operation. Mr. Ginsberg questioned why the recent changes had been made to the Town's regulations.

Chairman Taft explained that the change had been brought about by an accumulation of factors over many years, that the number of such vending operations had been constantly increasing, and that the Board and a number of citizens were concerned with the amount of peddling, or business, being conducted in residential areas. Chairman Taft stated that the Board after considering these aspects had deemed it advisable to adopt new regulations.

The Executive Secretary reported that in January of 1974 the matter of adopting new regulations was brought to the attention of the Board through communications from the Zoning Enforcement Agent and Mr. John Drum, 44 Country Village Lane. Mr. Thompson reported that following receipt of Mr. White's letter, the Board had agreed that a study on the subject of hawkers and peddlers regulations should be begun and that additional correspondence from the Zoning Enforcement Agent had been received in April 1974.

Town Counsel stated that another factor in the adoption of the new regulations was the prospect of a great increase in peddling operations during the bicentennial celebrations.

Mr. Ginsberg stated that his trucks were clean and of a good appearance, that courtesy to and the safety of the children were prime considerations, and that, in his opinion, his company could adapt themselves more easily than most to a restricted operation.

Mr. and Mrs. Peter Berkel, 68 Surrey Lane, spoke in opposition to the peddling of ice cream, stating that it performed no real service to the Town, was an annoyance, and was hazardous to the safety of children.

Mr. Fellman reported that his company had recently begun work on a safety program with the Commonwealth which would result in making safety modifications to the present vehicles and stated that, in his opinion, with the incorporation of these modifications, their company could live within the Town's regulations. Discussion followed relating to State and local regulations for hawkers and peddlers and different interpretations of the same.

Mr. Robert Coe stated that the operation, in his opinion, was an attractive nuisance.

Chairman Taft stated that the Board has also received several additional calls concerning hawkers and peddlers and that the matter would be further discussed. Chairman Taft thanked Messrs. Ginsberg and Fellman and the Townspeople for their attendance and stated that they would be advised of the Board's decision in the matter.

Patricia Road - Request for Street Lights

Chairman Taft read a communication dated September 10, 1975, which the Board had received from Frank D. Lucas, 29 Patricia Road, relative to the lack of street lights and resulting vandalism, etc., on that road.

The Executive Secretary stated that he had forwarded copies of the above-referenced letter to the Chief of Police and to the Highway Commission, with a request for their comments and recommendations. Mr. Thompson stated that he had advised Mr. Lucas of the action taken and the fact that the matter was to be scheduled on the agenda for tonight's meeting.

The Executive Secretary stated that the Board had since received responses from the Police Chief and the Highway Superintendent, both dated September 17, 1975.

Following discussion it was the consensus of the Board to refer the matter to the Highway Commission for resolution.

101st Session of Town Fathers' Forum

At 8:15 p.m. Chairman Taft convened the 101st session of the Town Fathers' Forum, a summary of which is attached hereto and is a part of these minutes.

Sudbury Bus Transportation Committee - Permit for Use of Public Ways - Request from Wayland; Application for State Funding - Sudbus

Present: Robert Coe, Chairman and Paul Buxbaum of the Sudbury Bus Transportation Committee; Robert Winterhalter of Big W Trans, Inc.; Emmanuel Tiliakos, Town Planner; Donald Bishop of the Finance Committee

Chairman Taft reported that the Board at its meeting on September 15 received a communication dated September 5, 1975 from the Town of Wayland relative to a request to traverse Pelham Island Road and Landham Road to the Framingham line for a bus transportation program. The Board voted at that time to refer the communication to the Sudbury Bus Transportation Committee and the Planning Board for their recommendations prior to tonight's meeting when it was again scheduled for discussion.

Also under discussion at the September 15 meeting was an application for a license from Big W Trans, Inc., for the transportation of passengers to provide service on a regular basis from all parts of Sudbury to the Route 9 shopping centers, a proposal for State funding, on a matching basis, of demonstration suburban transportation systems within the MBTA district, and the Sudbury Bus Transportation Committee's proposal to apply for the same for a system which would have two busses travelling continuously in opposite directions within a fixed route to supply ridership to a third bus running southerly from the Boston Post Road to the Framingham line. Additional discussion included the possibility of a Sudbury/Wayland/Framingham coordinated transportation plan.

At that time the Board agreed to table further consideration of these matters until September 29 to allow receipt of additional information and that a State transportation grant application be prepared for their review.

The Executive Secretary read to the Board a communication dated September 22 which had been received at 8:15 p.m., this dated, from Emmanuel Tiliakos, Town Planner, relative to his contact with the Towns of Framingham and Wayland on the matters of possible coordination of a three-town transportation plan, informing Framingham of Big W Trans request for permission to run a line to Framingham, and clarifying Wayland's request for use of Pelham Island Road and Landham Road by its busses.

Mr. Tiliakos' communication set forth his opinion that several factors exist which would make such a coordinated transportation difficult and conveyed the Planning Board's recommendation relating to the restrictions of streets to Big W Trans, if a license is granted, as well as its recommendation to consult Town Counsel as to the legal implications of granting such a permit.

On the subject of Wayland's request, Mr. Coe stated that, in his opinion, the Sudbus Committee has no objections, but that there are many legal implications in Wayland's operating over Sudbury streets that should be reviewed by Town Counsel prior to granting any approvals. Mr. Coe further questioned that the license or permit should be applied for by the bus company selected to operate in Wayland.

In response to Chairman Taft's question as to the legal implications, Town Counsel stated that he would be unable to rule until more details relating to frequency of operation, routes, types of permits and/or licenses under which they now operate, or propose to operate in the future.

Following further discussion, it was on motion unanimously

VOTED: That the subject of Wayland's request to travel over Pelham Island Road and Landham Road to the Framingham line be referred to Town Counsel, the Town Planner, and the Executive Secretary for further information.

On the subject of the draft proposal of the application for matching State funding of the Sudbus operation, Mr. Coe reported that the Town Planner had completed an outline of the application, which he reviewed for the Board.

Mr. Tiliakos stated that he would have the completed application ready for the Board's review by Friday afternoon in order to be included in the Selectmen's weekly package.

Mr. Buxbaum stated that, in his opinion, an intra-town bus service could not be justified by a ridership of 300 persons per week, which had been the peak figure of the past Sudbus operation. Mr. Buxbaum stated that by including a connecting route offering a second destination they would hope to increase the level of ridership to 900 persons, at which point such intratown service would be justified. Mr. Buxbaum further stated that, in his opinion, unless a Framingham connection were made available, the Town should not apply for State funds.

In discussion of the application it was agreed that it should state the intent to establish a connection with Framingham.

Mr. Coe requested that the Board give the Committee guidelines as to whether or not to resume the Sudbus operation as they had earlier planned before learning whether or not the Town had been selected to participate in the program, thus reducing the funds to be matched, and Selectman Powers suggested that the anticipated November Town Meeting might indicate the feeling of the Town on the matter.

Following further discussion, it was agreed that the Selectmen would receive the completed application on September 25 and review it on September 29, after which it will be forwarded to the Commonwealth.

Special Meeting

Following discussion, it was on motion unanimously

VOTED: To schedule a special meeting of the Board for Thursday, September 25, at 9:00 p.m. at the Loring Parsonage for the purpose of discussing merit reviews.

One Day Beer and Wine License - Sudbury Ancient Fyfe and Drum Companie

In response to his request, it was on motion unanimously

VOTED: To issue a one-day license for the sales of wines and malt beverages to Russell P. Kirby on behalf of the Sudbury Ancient Fyfe and Drum Companie on the occasion of their fifth Annual Muster on Saturday, October 11, 1975, between the hours of 10:00 a.m. - 5:00 p.m. to accommodate the annual Colonial Fair at Howe's Field on Wayside Inn Road. This license shall be subject to the provisions that sanitary facilities be provided for the people in attendance, that any required building and wiring permits be obtained, and the approval of the Fire and Police Chiefs.

Heritage Park - Transfer of Management

Following discussion, it was on motion

VOTED: That the Board of Selectmen designate the Park and Recreation Commission as agents of the Board for the purposes of the custody, care, maintenance and management of Heritage Park, for park and recreation purposes, with the condition that the general concept of the Park as shown on the site development plan dated November 1973 and prepared by Ron Boucher Associates, will not be altered without the recommendation of the Permanent Landscape Committee and the approval of the Board of Selectmen. This assignment is for an unspecified period of time and is subject to change by vote of a Town Meeting.

The Selectmen request that the Park and Recreation Commission report at least annually, prior to December 1, to the Board of Selectmen on their doings with respect to this management and at such other times as conditions warrant.

Resignation - Board of Registrars

The Board received a communication dated September 15, 1975, from Bertram S. Weinstein relative to his resignation from the Board of Registrars, effective September 15, 1975.

It was on motion unanimously

VOTED: To accept the resignation of Bertram Weinstein, with regret, and to direct the Executive Secretary to acknowledge Mr. Weinstein's communication, expressing the Board's appreciation for his years of service on that Board.

The Executive Secretary was directed to contact the Democratic Town Committee, requesting that they submit two nominees for the Board's consideration for appointment to fill the vacancy created by Mr. Weinstein's resignation.

Golf Trophy

The Board received a communication dated September 15, 1975, from William L. Hall relative to providing space to display a sports trophy donated in memory of Harold E. McMurtry.

It was the consensus of the Board to accept the trophy with an expression of appreciation and to request that the Executive Secretary work with the Park and Recreation Commission to arrange a suitable place for its display.

United Way - Municipal Employees Chairman

The Board received a communication dated September 15, 1975, from Joseph Grimes, Chairman, West Division, United Way of Massachusetts Bay, which requested that the Board appoint a Town executive to serve as chairman of this fall's United Way campaign among municipal employees.

Following discussion, it was the consensus of the Board to designate Chairman Taft to act in this capacity.

1976 Annual Town Meeting - Submission of Budgets and Warrant Articles

The Board received a draft memorandum dated September 18, 1975, from the Executive Secretary relative to the submission of operating budgets and warrant articles for the 1976 Annual Town Meeting.

Following the Board's review and amendment of January 19 for the date for ordering of the warrant, it was the consensus of the Board to distribute the above-referenced communication to all Town departments, boards, commissions and committees.

Change in Meeting Date

It was on motion unanimously

VOTED: To reschedule the regular meeting of the Board from Monday, October 13, 1975, to Tuesday, October 14, 1975, due to the Columbus Day holiday.

Highway Commission - Election of Commissioner

The Board received a communication dated September 18, 1975, from Martha Coe, Highway Commissioner, which requested an election of a new Highway Commissioner as provided under Chapter 41 of the General Laws, to fill the vacancy created by the recent resignation of John C. Hare.

Following discussion, it was on motion unanimously

VOTED: To authorize the Executive Secretary to arrange for a mutually acceptable date with the Highway Commission, preferably October 6 or 14, to hold said election.

Executive Session

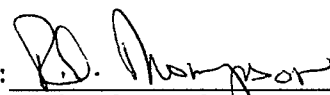
At 10:45 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing collective bargaining matters and matters which, if made public, might adversely affect the reputation of a person.

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

VOTED: To adjourn the meeting at 11:00 p.m.

Attest:


Richard E. Thompson

Executive Secretary/Clerk