

IN BOARD OF SELECTMEN
MONDAY, AUGUST 9, 1976

Present: Chairman William F. Toomey, John C. Powers and Ira M. Potell

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

Transactions in Real Property - Highway Surveyor

Present: Robert A. Noyes, Superintendent of Cemeteries; Mr. and Mrs. Ronald Blecher;
Frank Sherman

Executive Secretary Richard E. Thompson reported that, in April, Mr. Noyes requested some clarification from Town Counsel's office on the operation of cemeteries relative to deeds, records, etc. During the past week, Mr. Noyes requested a meeting with the Selectmen regarding policy relating to the deeds and signing of deeds, as well as a current request by certain persons of Congregation Beth El to purchase a portion of the cemetery in the name of their organization.

The Executive Secretary stated that he had requested Thomas French, Assistant to Town Counsel, to look into the matter. Mr. French's memorandum of August 6 to the Executive Secretary was read, which addresses the question of the purchasing of large tracts of Town cemeteries by a group. Mr. French's memorandum stated that it would appear inappropriate for lots to be sold to a corporation, church or any entity other than a natural person. Town Counsel, David Turner, Esq., stated his disagreement with a portion of Mr. French's memorandum, in that he believed a group or organization could purchase grave lots in a corporate name, since this practice exists in other communities.

It was pointed out by Mr. Powers that, in his opinion, to segregate cemetery ground would represent a major policy change requiring Town Meeting approval; especially new cemetery rules and regulations, which are non-existent at this time.

Mr. Blecher expressed to the Board that approximately fifteen families of his local Jewish faith were interested in purchasing a section of the Town cemetery, in order that, in accordance with their church cannon laws, they might be buried in consecrated land adjoining one another. Mr. Blecher also expressed an urgency to the purchasing of such lots, due to the recent death of Mr. Paul Buxbaum. Mr. Sherman reiterated Mr. Blecher's comments and added that they would abide by any cemetery rules and regulations adopted by the Town.

Following discussion, majority agreement of the Board was reached that a group of adjoining cemetery lots could be purchased by individuals in their individual names, but not in a group or corporate name. Selectman Powers did not concur, stating that sanctioning such a policy in this particular case is the first step toward allowing organizational buying of cemetery plots.

Chairman Toomey asked Mr. Noyes that if he were approached by a group of fifteen families to buy adjoining lots, whether or not he would refuse the same. Mr. Noyes responded that he was not aware of any basis upon which he could refuse such a purchase.

Selectman Potell expressed his view that it has been standard practice for individual/family purchasing of cemetery plots, and therefore, in this instance, he could not object to the motives or intentions of a group of Jewish families buying adjoining lots for religious purposes.

After a discussion on deeds for cemetery plots, it was on motion unanimously

VOTED: To authorize Robert A. Noyes, Superintendent of Cemeteries, to sign, execute and acknowledge deeds and accept monies for cemetery plots on behalf of the Town of Sudbury for cemetery purposes.

Site Plan Application #76-161, Fotomat Corp., 425 Boston Post Road

Present: Tim Keeley, applicant; Francis E. White, Building Inspector/Zoning Enforcement Agent

The Board, on March 1, 1976, had voted to deny site plan application #76-161 of the Fotomat Corporation, without prejudice, pending Board of Appeals action on a request for a variance to operate in a limited business zone. The Executive Secretary now reported that the Fotomat Corporation site plan has the proper Board of Appeals approval, Case 76-9, and does comply with the Zoning By-Laws of the Town of Sudbury. All appropriate abutters and Town officials have been notified of tonight's hearing and the following reports had been received: that of the Conservation Commission dated July 14, stating it had no concern; that of the Planning Board dated July 26, approving the site plan with the provision that the entrance not be widened as shown on said plan, and in addition, recommending that the petitioner be permitted to move the proposed building to location shown on revised site plan dated January 23, 1976; and that of the Zoning Enforcement Agent dated January 9th indicating his approval.

The Board agreed to waive the fifty dollar (\$50.00) filing fee, as the fee was paid with a previous site plan application for the same plan and site.

The Board then considered the site plan entitled: "Proposed Fotomat Center", revised plan dated June 24, 1976.

Following discussion, it was on motion unanimously

VOTED: To approve site plan #76-161, entitled "Proposed Fotomat Center", as prepared by MacCarthy & Sullivan Engineering Inc., dated November 1, 1974, and revised January 23, 1976, subject to compliance with conditions set forth in the above-mentioned report of the Planning Board dated July 26, 1976.

Application for License to Store Inflammables Underground, 103 Puritan Lane, William M. Johnson

Present: William M. Johnson, applicant.

In accordance with the provisions of Chapter 148 of the General Laws, Chairman Toomey convened a public hearing on the application of William M. Johnson for a license to store inflammables for home heating purposes as follows:

Underground 2,000 gallons #2 fuel oil on property located at 103 Puritan Lane, Sudbury, Massachusetts.

The Executive Secretary reported that the hearing had been advertised, all appropriate abutters and Town officials had been notified and return receipts received, and the following reports had been received: the Building Inspector's report, dated July 27th, which stated the area has all necessary electrical wiring overhead; the Fire Chief's report, dated July 22nd, which stated no objection to granting the license provided the tank and its installation meet all requirements under Chapter 148 of General Laws and the rules and regulations of the State Board of Fire Prevention pertaining to such installation.

Following discussion, it was on motion unanimously

VOTED: To grant a license to William M. Johnson, 103 Puritan Lane, Sudbury, Massachusetts, to store underground 2,000 gallons #2 fuel oil for home heating purposes, on property located at 103 Puritan Lane, Sudbury, Massachusetts, with the condition that the fuel not be for sale to the public and is not used for the fueling of motor vehicles.

Community Message Board

The meeting with the Sign Review Board relative to the construction and display of a Community Message Board was postponed due to the weather and unavailability of the members of the Sign Review Board.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and the executive session of July 26, 1976, as submitted.

Utility Petition #76-54 - Elmwood Avenue

It was on motion unanimously

VOTED: To confirm the existence, upon property accepted by the Town as a public way, of a Boston Edison pole at the following location:

ELMWOOD AVENUE, southerly side, approximately 125 feet west of Arborwood Road
One (1) pole.

Donation of Accounting Machine

Present: Town Accountant John H. Wilson

The Town Accountant's report dated July 26, 1976, on the status of possible donation of an accounting machine from Campanelli, Inc. was acknowledged. The report included a letter from Burroughs Corp. dated July 23, 1976 addressing some problems regarding the current possibility of a donation of a Burroughs accounting machine. The machine available is an E8000 system which Burroughs has since discontinued. The primary problem lies in the costs associated with re-programming, maintenance and training. The overall Maintenance Agreement for the E8000 is \$4600 because of the outdated technology employed. Mr. Wilson suggested two alternatives; first, the Selectmen could accept the donation with the ultimate idea of using the potential trade-in value to affect the purchase of future equipment; or secondly, to contact Campanelli and express the Town's appreciation of the offer but explaining the Town is not in a financial position to accept the offer.

The Board agreed with Mr. Wilson's latter alternative and requested the Executive Secretary to send a letter of appreciation to Campanelli, Inc.

Chapter 198 Account for Bicentennial and July Fourth Activities

Present: Town Accountant John H. Wilson

The Board received a report from the Town Accountant, dated July 28, 1976, regarding final payments from Chapter 198 and a request for authorization of payment of the same.

It was on motion unanimously

VOTED: To table the matter pending Mr. Powers' review with the Town Accountant.

Tax Anticipation Notes

The Board received a communication dated August 4, 1976 from the Town Treasurer, which requested the Board's approval to borrow up to \$1,000,000 effective in August and due November 19, 1976. The Treasurer reported an anticipated deficit of \$887,000 for the months of August and September. A payment from the Commonwealth of Massachusetts for about \$375,000 is expected on or about October 1st. However, this amount will be needed during the first two weeks of October for anticipated expenditures.

Following discussion relative to the date funds were needed, as well as to specific amount, it was on motion unanimously

VOTED: To authorize the Treasurer to borrow a sum up to \$1,000,000 in anticipation of tax receipts, effective in August and due November 19, 1976.

School Committee - Use of Closed School

The Executive Secretary reported that the Board had received a communication dated July 12, 1976 from the School Committee inviting the Board of Selectmen to nominate one member of the Board to serve on a committee to develop a plan for the use of the Horse Pond Road School, which could be closed as early as September 1977.

Discussion followed as to who has the jurisdiction to decide on the future use of the building. It was determined that, if the School Committee decides the building is in excess of its needs, a formal declaration must be filed by the School Committee. The building would then come under the jurisdiction of the Selectmen for determining its use.

It was the consensus of the Board that, until the Horse Pond Road School is formally excessed by the School Committee, it would be improper for the Selectmen to take part in the Committee proposed by the School Committee in its letter dated July 12, 1976. The Board requested the Executive Secretary to so inform the Sudbury School Committee and to extend its thanks for the invitation.

Report of the Sudbury Growth Policy Committee

The Board acknowledged receipt of a copy of the Report of the Sudbury Growth Policy Committee dated June 22, 1976 to the Office of State Planning in compliance with General Laws Chapter 807, 1975 Acts and Resolves.

Chairman Toomey commended members of the Sudbury Growth Policy Committee for the work completed.

Communication from Councillor Anthony Moore

The Board acknowledged a letter dated July 12, 1976 received from Councillor Anthony Moore thanking Sudbury for his recent visit.

The Board asked that copies be given to the press with a request to print the letter.

Set Time and Place of Polls for the State Primary Election

On the recommendation of the Town Clerk, it was on motion unanimously

VOTED: That the polling hours for the State Primary Election on September 14, 1976, be set for 7 a.m. to 8 p.m. in the Noyes School for the four (4) precincts.

Sale of Alcoholic Beverages during State Primary Election

It was on motion unanimously

VOTED: To allow the sale of alcoholic beverages by common victuallers and retail package stores during the polling hours of the State Primary Elections on September 14, 1976.

Resignation - Permanent Building Committee

The Board received a communication dated July 19, 1976 from William M. Bell, who tendered his resignation effective July 22, 1976 from the Permanent Building Committee.

The Board directed the Executive Secretary to acknowledge Mr. Bell's communication, expressing the Board's appreciation for his service to the Town on the Permanent Building Committee.

Appointments

Following discussion, it was on motion

VOTED: To appoint Judith Cope, 80 Plympton Road, to the Conservation Commission, for a term to expire April 30, 1978.

(Selectmen Powers and Potell in favor; Chairman Toomey opposed)

It was on motion unanimously

VOTED: To appoint Marion Letteney, 124 Pratt's Mill Road, Elinor Bentley, 574 Peakham Road, and Father Joseph F. Gough, 160 Concord Road, to the Council on Aging, all for terms to expire on April 30, 1979.

Consideration of Town Report Committee appointments was tabled, pending receipt of recommendations from Selectman Powers.

Annual Authorization for Use of Land for the Sanitary Landfill

After consideration, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To authorize the Executive Secretary to send a letter of authorization to the Highway Surveyor for the use of the Sand Hill Site, situated on the northerly side of the Boston Post Road, as a sanitary landfill, subject to renewal on or before July 1, 1977.

Town Hall Rental Study Committee Report

The Board reviewed a report from the Executive Secretary dated August 3, 1976 relative to a study of existing rules and regulations concerning the rental of the Town Hall, prepared after meetings and consultation with other members of the Town Hall Rental Study Committee. The Executive Secretary informed the Board that he had sent copies of this report to the members of the Committee. The Board requested that the Executive Secretary obtain the concurrence of the remaining members of the Committee, and reschedule this item on the Selectmen's agenda, inviting all members of the Town Hall Rental Study Committee to attend.

Personnel Board Policy - Posting Job Vacancies

The Board reviewed the Personnel Board's policy, dated July 14, 1976, relative to the posting of job vacancies by town offices. The Board expressed its unanimous opinion that the Personnel Board's authority does not extend to the making of policies of this nature.

On another matter, the Executive Secretary was instructed to proceed with advertising to fill the position of Senior Clerk in the Selectmen's office.

Out-of-State Travel for Executive Secretary

After discussion, it was on motion unanimously

VOTED: To approve out-of-state travel for the Executive Secretary to attend the New England Management Institute conference on August 17, 18, 19, 1976, at the University of Maine at Orono and the annual conference of the International City Management Association on September 26-30, 1976, in Toronto, Canada, as outlined in his communication dated July 28, 1976.

Implementation of "Sudbury Decision"

On July 26, 1976, David Lee Turner, Town Counsel, had informed the Board that funding for the implementation of the "Sudbury Decision" had been deleted from the State Budget, and that he would file a special request with the Chief Justice for the State to provide the necessary funding, as the statutory responsibility rests clearly with the Department of Corporations and Taxation. Town Counsel informed the Board tonight that his report on the same had been prepared but had been left in Boston. The Board requested Town Counsel to have his report, plus a "pocket memo" on the same subject, available to them by August 13th.

Out-of-State Travel for Town Accountant

After a discussion, it was on motion unanimously

VOTED: To approve out-of-state travel for the Town Accountant to attend the Annual International City Management Association convention in Toronto, on September 26-30, 1976, as outlined in his communication dated August 5, 1976.

Hurricane Belle

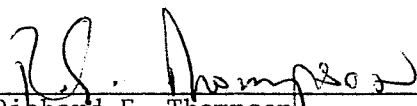
On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to take any emergency action necessary to protect the health and safety of the residents of the Town of Sudbury this evening and until 12 Noon, August 10, 1976, if and when Hurricane Belle hits the Town, with later confirmation of his actions by the remaining members of the Board.

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

VOTED: To adjourn the meeting at 9:45 p.m.

Attest:



Richard E. Thompson
Executive Secretary-Clerk