

IN BOARD OF SELECTMEN
MONDAY, AUGUST 23, 1976

Present: Chairman William F. Toomey 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.

House Bill 5145

The Executive Secretary, Richard E. Thompson, reported that House Bill 5145, a special act relative to Town Clerk fees which was passed by the 1976 Annual Town Meeting, has been passed by the House and has gone to the Senate.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of August 9, 1976, as amended.

Jurors

Present: Barbara Stevens, Assistant Town Clerk

The Board drew the names of Alan H. Johnson, Jr., 40 Maynard Farm Road, and Philip F. Dempsey, 137 Haynes Road, to serve as jurors at Cambridge Court, and Carmine Pinto, 33 Windmill Drive, to serve as juror at Lowell Court, all to commence October 4, 1976.

Utility Petitions #76-55, #76-56, #76-57, and #76-58, Lake Shore Drive, Birchwood Avenue, Elmwood Avenue, and Flintlock Lane

Present: Robert Blake, Boston Edison Company

It was on motion by Selectman Potell unanimously

VOTED: To confirm the existence, upon property accepted by the Town as public ways of Boston Edison Company and New England Telephone and Telegraph Company poles on the following public ways at the locations described in the above-numbered petitions, each dated August 21, 1976: Lake Shore Drive, Birchwood Avenue, Elmwood Avenue, and Flintlock Lane.

Transactions in Real Property

The Board, at its meeting on August 9, 1976 held discussion with Mr. and Mrs. Ronald Blecher and Mr. Frank Sherman, representing Congregation Beth El, relative to purchasing a portion of the Town cemetery. The Board at that time 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.

The Board now noted receipt of a letter from Mrs. Blecher relative to the earlier meeting which expressed appreciation to Mr. Noyes and his staff for their help and cooperation in this regard.

Special Meeting - Board of Selectmen

It was on motion unanimously

VOTED: To hold a special meeting at 7:30 p.m., Tuesday, September 7, 1976 in the Lower Town Hall for the purpose of conducting regular Town business.

Cemetery Policies

The Board received a communication dated August 13, 1976 from Selectman Powers relative to cemetery deeds/rules and regulations. After a brief review, it was agreed to forward copies of the same to Town Counsel and the Superintendent of Cemeteries for their review and report on September 7, 1976.

Award Bids - Three Police Cruiser Station Wagons, One Police Cruiser Sedan

Present: Police Chief Nicholas Lombardi

The Executive Secretary reported that bids for three police cruiser station wagons and one cruiser sedan had earlier been received and reviewed by the Police Chief. Mr. Thompson referred to Chief Lombardi's communication dated August 19, 1976 to the Board, in which he recommended that the bid of Minuteman Chrysler Plymouth be accepted. Mr. Thompson stated that he would concur with Chief Lombardi's recommendation and would further recommend that the Board's decision be subject to approval of a Reserve Fund transfer for the balance of the funds necessary for the purchase.

After discussion, it was on motion unanimously

VOTED: To award the bid for three new police cruiser station wagons and one police cruiser sedan to Minuteman Chrysler-Plymouth, Inc., 135 Commonwealth Avenue, Concord, Massachusetts, for one (1) 1977 Plymouth Volare 4 Door Sedan for the net delivered cost of \$4,274.43 and three (3) 1977 Plymouth Gran Fury station wagons for a cost of \$11,583.00, all to be equipped as specified in Minuteman Chrysler-Plymouth, Inc.'s bid response dated August 11, 1976;

and it was further

VOTED: To have the Town Accountant prepare for the Board's approval a request for a Reserve Fund transfer to Account 320-51, Equipment Purchase, in the amount of \$857.00 for the balance of payment for the purchase of these vehicles.

Award Bid - Fire Department Rescue Truck Cab and Chassis

Present: Fire Chief Josiah F. Frost

Executive Secretary Richard E. Thompson reported that bids for the purchase of a Truck Cab and Chassis for the Fire Department had been opened at 4:00 p.m. today, following which he had received a communication dated August 23, 1976 from the Fire Chief which recommended that the bid be awarded to R. H. Long of Framingham, Massachusetts, low bidder.

Selectman Potell recommended, with regard to future equipment purchases, that no contact take place between department heads and prospective dealers in advance of the bid invitations as to the availability of the equipment.

Chief Frost stated that he had made such inquiry to the automotive company rather than to a dealership, but he expressed his agreement with Selectman Potell's recommendation.

After discussion, it was on motion by Selectman Potell unanimously

VOTED: To award the bid for the purchase of a Truck Cab and Chassis for the Fire Department to R. H. Long, Framingham, Massachusetts, for one (1) 1976 GMC One-Ton Cab and Chassis Model CE31033 for the delivered price of \$4,692.00, as specified in their bid response dated August 23, 1976.

Utility Petition #75-52 - Boston Post Road

Present: Robert Blake of Boston Edison Company, Francis E. White, Wiring Inspector; Frank Grinnell, Chairman, Board of Assessors; and Frank Archibald, abutter

In conformity with the requirements of General Laws Chapter 166, Sections 21 and 22, Chairman Toomey convened a hearing on the below-named utility petition:

UP76-52 - Boston Post Road - Petition of Boston Edison Company and New England Telephone and Telegraph Co. for permission to erect or construct, and a location for, a line of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line for the transmission of electricity upon, along, and across the following public ways:

BOSTON POST ROAD, southerly side, from a point approximately 470 feet east of the Sudbury/Framingham Town Line

Seven (7) poles

(Guy Wire and Anchor on the first and seventh pole)

BOSTON POST ROAD, northerly side, from a point approximately 1785 feet east of the Sudbury/Framingham Town Line

Nine (9) poles

(Guy Wire and Anchor on the first, second, third, fourth, and fifth pole)

The Executive Secretary reported that all appropriate Town officials and abutters had been notified and that the following reports had been received: from the Wiring Inspector, dated July 28, 1976 and from the Power and Light Committee, dated August 19, 1976, both of which recommended disapproval of the petition as not being in conformance with the best interests of the Town.

Mr. Thompson stated that he had viewed the area with Frederick Roth, District Manager for Boston Edison Company, for the purpose of possible service tie-in with existing poles.

Mr. Blake reported that the proposed poles would bring power to an area of new homes, and he expressed Boston Edison Company's hope that they would not have to go to the greater expense of installing conduits and manholes in an area which, in their opinion, is one of overhead lines. Mr. Blake suggested that the Board consider tabling the petition until a field trip could be arranged for all interested parties.

Mr. Frank Archibald, owner of Lot 10 in the area under discussion, commented that, in his opinion, the poles should have been proposed for the southerly side of the Boston Post Road only, as that is the side on which the houses will be located.

After further discussion, the Executive Secretary was directed to schedule a site inspection and a meeting on a future agenda sometime before the end of September, to which the Wiring Inspector, the developer, representatives of the Boston Edison Company and the New England Telephone and Telegraph Company, and the abutters would be invited.

Chairman Toomey requested that Mr. Grinnell, Chairman of the Board of Assessors, supply the Board with information relative to the present and projected assessments of the area to be developed. Mr. Grinnell submitted these figures to Chairman Toomey later in the evening.

Selectman Potell suggested that Boston Edison Company inquire, as the proposed pole locations are within the State's right-of-way for Route 20, whether an Environmental Protection Act hearing might be required in connection with the proposal.

Davis Land Lease Agreement - Stephen B. Verrill

The Board, at its meeting on June 28, 1976, voted to table further consideration of the Davis Land lease Agreement with Stephen B. Verrill until such time as the Park and Recreation Commission further reviewed the matter and made its recommendations to the Selectmen.

The Executive Secretary reported that the Board had received a communication dated August 16, 1976 from the Park and Recreation Commission which recommended the reduction in the rental fee of a portion of the Davis Land from \$700 to \$600.

It was on motion unanimously

VOTED: To sign the Davis Land Lease Agreement with Stephen B. Verrill for the 1976 growing season for the sum of \$600.

Historic Marker for Haynes Garrison Site

The Executive Secretary submitted to the Board a draft of a letter dated August 16, 1976 to Mr. Peter McNamara relative to construction of a sign to be placed on the Haynes Garrison site.

After a brief discussion, it was on motion by Chairman Toomey unanimously

VOTED: To table further consideration of the subject at this time.

Tax Anticipation Notes

The Board received a communication dated August 12, 1976, from the Town Treasurer, confirming his earlier action relative to his award of bids for the Town of Sudbury on \$1,000,000 in Tax Anticipation Notes dated August 19, 1976, and due November 19, 1976.

These notes were signed by the Selectmen on August 13, 1976.

Site Plan #76-170 St. John Lutheran Church, 16 Great Road - Renewal

Present: Francis E. White, Building Inspector/Zoning Enforcement Agent; Margaret Frederickson, applicant

In accordance with Article IX, V, A of the Sudbury Bylaws, the Board considered the site plan application of Margaret R. Frederickson for site plan renewal for St. John Evangelical Lutheran Church and North Ledge School located at 16 Great Road.

The Executive Secretary reported that all appropriate Town officials and abutters had been notified and that the following reports had been received: from the Building Inspector/Zoning Enforcement Agent, dated August 15, 1976, recommending approval; from the Board of Health, dated August 19, 1976, recommending approval; from the Conservation Commission, dated July 28, 1976, indicating no concern; and from the Planning Board, dated August 18, 1976, recommending approval.

After discussion, it was on motion by Selectman Potell unanimously

VOTED: To approve renewal of the site plan for St. John Evangelical Lutheran Church and North Ledge School located at 16 Great Road, as drawn by Roy D. Murphy & Associates, Architects, Urbana, Illinois, and designated Plan #6631, dated September 28, 1966.

Title II CETA Program

The Executive Secretary reported that the Board had received a communication dated August 6, 1976 from the Director of the CETA Program in Marlborough, which advised that additional funds are available for the distribution of one job under Title II to the Town. The communication invited an application from the Town in this regard and recommended that consideration be given to a position with a non-profit organization.

Mr. Thompson suggested that the Board consider an application for a position with the Massachusetts League of Cities and Towns, and that he had spoken with Mr. Shaw of that organization in this regard, who was of the opinion that an opening exists.

After discussion, during which the Board decided against making an application for a position in Boston, it was on motion by Selectman Potell unanimously

VOTED: To acknowledge the CETA Director's August 6, 1976 communication, and to take no further action on the matter.

Executive Session

At 8:40 p.m., at the request of Labor Relations Counsel Richard Murphy, after a unanimous roll call vote, it was on motion further unanimously

VOTED: To enter into executive session with the Labor Relations Counsel and Police Chief Nicholas Lombardi for the purpose of discussing collective bargaining negotiations.

Chairman Toomey announced that the public meeting would reconvene at the conclusion of the executive session.

The executive session adjourned at 9:05 p.m.

Site Plan #76-171, Village Green, Robert D. Quirk Realty Trust, 29 Hudson Road

Present: Francis E. White, Zoning Enforcement Agent/Building Inspector; Robert D. Quirk, applicant, Bruce Quirk; Kathleen Brown, member, Conservation Commission, and Lamonte Griswold, abutter

(Town Counsel David Turner withdrew from the meeting during consideration of the Village Green site plan, and Thomas French, Assistant to Town Counsel, was present for the proceedings.)

In accordance with Article IX, Section V, Paragraph A, of the Sudbury Bylaws, the Board considered the site plan application of Robert Quirk Realty Trust for the Village Green Shopping Center located at 29 Hudson Road.

The Executive Secretary reported that all appropriate Town officials and abutters had been notified and that the following reports had been received: from the Zoning Enforcement Agent, dated July 23, 1976, recommending approval; from the Board of Health, dated August 4, 1976, recommending approval; from the Conservation Commission, dated August 11, 1976, indicating that a Commission representative would attend the hearing; and from the Planning Board, dated August 18, 1976, which recommended approval, with comments. Mr. Thompson further reported that a Certificate of Appropriateness, dated August 12, 1976, had been issued by the Historic Districts Commission for the property.

Mr. Thompson referenced Board of Appeals Case 76-14 which concerned recent variances granted to the site subject to approval of a current and accurate site plan by the Selectmen and subsequent action of the Building Inspector to restore all revoked building permits to expedite completion of the shopping center.

Mr. Thompson stated that he had requested Mr. French, Assistant to Town Counsel, to review the above-referenced site plan and that Mr. French would speak on the matter later in the evening.

Francis E. White, Building Inspector/Zoning Enforcement Agent, addressed the comments in the Planning Board's August 18, 1976 report, and he stated that the changes to the plan suggested therein relative to drainage and lighting would present no problem. Mr. White further commented that the size of the loft/mezzanine in Buildings #7 and #8 is regulated by the Massachusetts State Building Code and that no use for this area is presented at this time. Mr. White stated that, in his opinion, the site plan under consideration was a proper site plan.

Mr. Robert Quirk stated that he had met with all appropriate Town agencies relative to the site plan and that the plan was, in his opinion, in compliance with all requests.

Mrs. Kathleen Brown, a member of the Conservation Commission, questioned whether any substantial land filling or excavation had been done in the area of the new parking spaces which might necessitate a Wetlands Protection Act hearing.

Mr. Quirk replied in the negative.

Mrs. Brown then reported that the Conservation Commission recommended approval of the site plan.

Mr. French requested clarification of the plan's compliance with Item #11 of the Board's vote on March 27, 1976, which concerned screening of portions of the site as approved by the Historic Districts Commission.

Mr. White reported that this condition was met by Footnote #14 noted on the plan.

Mr. French also noted the plan's lack of certification of boundary lines by a registered land surveyor.

Mr. Quirk stated that such certification would be made by the plan's author who was also a registered land surveyor.

After further discussion, it was on motion by Selectman Potell unanimously

VOTED: To approve the site plan of Robert D. Quirk, Robert Quirk Realty Trust, entitled "Village Green Shopping Center", drawn by Colburn Engineering, Hudson, Massachusetts, dated February 20, 1976, revised July 2, 1976, subject to the certification, as soon as possible, of the property lines and the location of improvements by a registered land surveyor.

Selectman Potell expressed his hope that, from the standpoint of both the developer and the Board, no further problems would arise which would further complicate or delay completion of this attractive shopping center.

(Town Counsel returned to the meeting at the conclusion of the site plan consideration.)

Conflict of Interest - Fire Alarm Systems

Present: Fire Chief Josiah F. Frost

The Executive Secretary reported that he had, by letter dated July 28, 1976, requested that Fire Chief Frost submit in writing additional information relative to his earlier request (June 30, 1976) to Town Counsel concerning the question of possible conflict of interest relating to use of a Fire Captain to do private contracting work with the Fire Department -- specifically past overtime costs on call-back for repair and maintaining fire alarm systems and an explanation of the savings to the Town over a period of years.

Mr. Thompson reported that a response dated August 4, 1976 had been received from Chief Frost which contained the requested information. Mr. Thompson further reported that a saving to the Town would be realized if the Fire Captain/Fire Alarm Superintendent were to be hired, while off duty, as a private contractor at a contract rate to perform any duties which might be necessary.

Chairman Toomey stated that, in his opinion, this request for an opinion from Town Counsel should have been made by the individual involved rather than the Fire Chief.

Chief Frost stated that his request to Town Counsel had followed the general distribution of Town Counsel's memorandum on the subject of the Conflict of Interest Law.

Selectman Potell concurred with Chairman Toomey's request, and commented on a possible problem in training a Town employee for a particular job and then hiring him for additional time in off-duty hours to do the same job.

Chairman Toomey requested that Captain Kelley be asked to include a brief list of his professional activities with his request to Town Counsel.

After further discussion, it was on motion unanimously

VOTED: To refer the matter of the request for an opinion from Town Counsel on possible conflict of interest relating to the aforementioned situation to Captain Kelley for his appropriate action.

Fire Department Overtime

Present: Fire Chief

The Executive Secretary reported that he had, by letter dated July 28, 1976, requested the Fire Chief to provide the Board in writing with justification for the late notice in bringing to the Board's attention the matter of availability of sufficient funds for meeting Fire Department overtime on the last payroll for Fiscal Year 1976.

Mr. Thompson reported that Chief Frost's response dated August 4, 1976 had been received, and he suggested that the Board note receipt of the same and that it be discussed with the Chief at a later, more appropriate time.

The Board was in agreement.

Performance Review -- Town Counsel

The Executive Secretary announced that Item 6 on tonight's agenda, Town Counsel's performance review, had been rescheduled to September 13, 1976.

Appointments

On the recommendation of Town Clerk Betsey M. Powers, as set forth in her communication dated August 9, 1976, it was on motion unanimously

VOTED: To appoint the following election officers for the coming year:

EMERGENCY INSPECTORS - DEMOCRATIC

Maureen Wiles
Dorothy Bagley
Linda Glass
Ellen Bussey
Linda Buxbaum
Patricia Crocker

EMERGENCY INSPECTORS - REPUBLICAN

Ruth Ross
Mary Ganey
Eleanor Wiedenbauer
Bettie Lee Zeller
Elizabeth H. Cousins
Constance L. Bennett

and it was further

VOTED: To appoint Walter F. Cybulski, 38 Balcolm Road, to the Permanent Building Committee for a term to expire April 30, 1978.

The Executive Secretary distributed to the Board a list of interested candidates for their consideration for possible appointment to the Historical Commission, the Long Range Capital Expenditures Committee, and the Town Report Preparation Committee.

Massachusetts Outdoor Advertising Division - Billboard Approval Procedures

The Board received a communication dated August 1, 1976 from the Massachusetts Outdoor Advertising Division, advising communities of an amendment to its rules and regulations to eliminate automatic renewal of permits without notice to cities and towns. The communication requested that the Board designate a Town official who would be responsible for signing certificates for billboard signs within the community, indicating whether applications or renewals are consistent with Town ordinances.

Town Counsel reported that this regulation amendment resulted as implementation of the decision in the Brookline case relating to billboards, and it was his recommendation that the Board designate the Executive Secretary as the responsible official in the matter through June 1, 1977 and that the Board provide the State with the name of the Chairman of the Sign Review Board for future contact.

After discussion, it was on motion unanimously

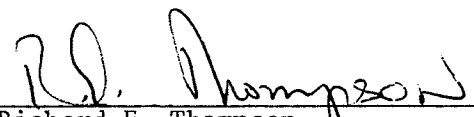
VOTED: To authorize Richard E. Thompson, Executive Secretary, to act on behalf of the Town in the matters relating to signing billboard sign certificates through June 1, 1977, in accordance with the Massachusetts Outdoor Advertising Division's August 1, 1976 communication.

Mr. Thompson stated that he would confirm any action taken by him in this capacity with the Selectmen.

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

VOTED: To adjourn the meeting at 10:00 p.m.

Attest:


Richard E. Thompson
Executive Secretary-Clerk