

IN BOARD OF SELECTMEN  
MONDAY, DECEMBER 27, 1976

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

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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.

Jurors

The Board drew the names of Peter R. Woodbury, 30 Willard Grant Road and Charles Frederick Guder, 50 Ridge Hill Road, to serve as jurors at Cambridge Court, and Armand E. Ouellette, 10 Wagonwheel Road, to serve as juror at Lowell Court, all to commence February 7, 1977.

Position of Town Counsel

It was on motion by Selectman Powers unanimously

VOTED: To engage the services of Paul Leavitt Kenny, 16 Wethersfield Drive, Andover, Massachusetts, for the position of Town Counsel, for a term to expire on April 30, 1977, in accordance with Mr. Kenny's letter to the Board dated December 22, 1976.

Application for Hawkers and Peddlers License - James Borer, Director, Unification Church, 710 Union Street, Marshfield, Massachusetts

The Executive Secretary reported that, after reviewing the application of James Borer, Director, Unification Church, 710 Union Street, Marshfield, Massachusetts, with Assistant to Town Counsel, it was his recommendation that the matter be tabled for an indefinite period until the applicant could be informed, in accordance with Chapter 101, Section 22 of the General Laws, that each person who would be doing the hawking and peddling must be so licensed.

After discussion, it was on motion unanimously

VOTED: To table, for an indefinite time, the application of James Borer, Director, Unification Church, 710 Union Street, Marshfield.

Selectman Potell commented that the proposed areas of sale did not seem to coincide with those locations specified in the Selectmen's rules and regulations for hawkers and peddlers, and he suggested that this be pointed out to Mr. Borer.

The Executive Secretary reported that Mr. Borer had received a copy of the Board's regulations pertaining to hawkers and peddlers and that this provision had been previously brought to his attention.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of December 20, 1976, the former as corrected;

and it was further

VOTED: To declassify the executive session minutes of December 20, 1976.

Extension of Serving Hours - New Year's Eve

It was on motion unanimously

VOTED: To grant permission to extend the service hours on December 31, 1976, New Year's Eve, to 2:00 a.m. on January 1, 1977, to all holders of alcoholic beverages pouring licenses in Sudbury.

Fee Schedule - Cemetery Study Committee

The Board received a communication dated December 15, 1976 from Reverend Homer A. Goddard, Chairman, Cemetery Study Committee, which set forth a suggested schedule of fees previously discussed with and approved by Highway Surveyor/Superintendent of Cemeteries Robert A. Noyes and unanimously approved by the seven members of the Cemetery Study Committee who were present at the December 6, 1976 meeting.

It was on motion by Selectman Potell unanimously

VOTED: To table the aforementioned matter until such time as Superintendent of Cemeteries Robert A. Noyes would be available to meet with the Board.

Chairman Toomey announced that Mr. Noyes was unable to attend tonight's meeting due to the death of his father, Alvin F. Noyes, former Highway Surveyor for the Town and a member of the Cemetery Study Committee. Chairman Toomey stated that Mr. Noyes, in many ways, had personified the Town of Sudbury and that, with his death, the Town had lost a great gentleman.

Highway Easements - Christopher Lane

At the request of the Highway Surveyor in a memorandum dated December 16, 1976, it was on motion by Selectman Powers unanimously

VOTED: To sign two highway easements for the construction of a turnaround on Christopher Lane granted to the Town of Sudbury by 1) Alphonse S. and Elsie C. White and 2) Jonathan D. and Eva Jane N. Fridman.

Utility Poles - New Bridge Road

Executive Secretary Richard E. Thompson reported that the matter of requests by area residents for relocation of five utility poles on New Bridge Road had several times been a subject of discussion between the Board and Boston Edison Company since 1972. Mr. Thompson reported that the Board, at its December 10, 1976 meeting had reviewed Town Engineer James V. Merloni's cost estimate, dated November 23, 1976, for the relocation of five utility poles and that he (Mr. Thompson) had been directed to cooperate and work with Frederick A. Roth, District Manager of Boston Edison Company, as much as possible, to effect the relocation.

Mr. Thompson stated that Mr. Roth's response dated December 21, 1976 had since been received, which stated that Boston Edison was prepared to relocate, at its own expense, four utility poles (130/4, -/5, -/6, and -/7) to locations mutually acceptable to Boston Edison and to the Town, but that the fifth pole, in their opinion, is now located in a satisfactory position (a triangular plot of land) which is less dangerous than the adjacent trees.

Mr. Roth's letter requested that, as there are no present plans for reconstruction of New Bridge Road, the Town give Boston Edison a letter of agreement to the effect that, if, during the next twenty years, it should become necessary to relocate any of the four poles as a result of street or sidewalk construction, the Town will absorb the cost. Mr. Roth's letter further stated that, upon receipt of such a letter of agreement, Boston Edison would initiate a work order.

Selectman Potell suggested that the pole which Boston Edison did not agree to relocate was the one which had been most commonly involved in accidents and the one that the petitioners most moved.

The neighborhood petition and Mr. Merloni's above-referenced letter were again reviewed in this regard, and, after further discussion, it was on motion by Selectman Powers unanimously

VOTED: To table the matter for further clarification.

Selectman Powers commented that he did not know on what basis this Board of Selectmen could enter into an agreement over the next twenty years which might commit Town funds, such as that proposed by Mr. Roth.

The Board directed the Executive Secretary to refer Mr. Roth's December 21, 1976 letter to the petitioners for their review and comments.

#### 1977 Gasoline Supply for the Town of Sudbury

Executive Secretary Richard E. Thompson reported that invitations-to-bid for supplying the Town with gasoline during the period of January 1 - December 31, 1977 were earlier mailed to the bidders' list with the statement that bids were to be received until 3:30 p.m., December 27, 1976, at which time they would be opened. Mr. Thompson reported that no bids had been received and that it was his recommendation that the existing agreement with the present supplier be extended.

After discussion, it was on motion by Selectman Powers unanimously

VOTED: To approve the commercial contract extension of the agreement dated January 31, 1975 between the Town of Sudbury and Atlantic Richfield Co. which provides for the supply of gasoline to the Town for its Town vehicles for the one-year period of January 1, 1977 through December 31, 1977.

#### 1:00 A.M. Closing Time - Liquor Pouring License Holders

Executive Secretary Richard E. Thompson reported that the Board had, on June 21, 1976, held a hearing on the subject of a 1:00 a.m. closing hour for liquor pouring license holders, at which license holders Dong Wong, Mark Richards, Gerald Brogna, John Trevisani, and Francis Koppeis spoke in favor of the proposal and license holder Ronald Griffin commented that, if the extension were to be granted, it be made mandatory that food also be served until the 1:00 a.m. closing time. Mr. Thompson also reported that Police Chief Nicholas Lombardi, at that time, objected to the granting of a later closing time on moral grounds, stating that, in his opinion, the later hour was not in keeping with the character of the Town.

Mr. Thompson reported that since the June 21 hearing, the Selectmen had received three letters from Town residents--two indicating opposition and the third in favor of the proposal.

Chairman Toomey reported that he had been requested by Selectman Potell and the managers of the Pacific Gate Restaurant to reschedule this matter on the agenda.

Selectman Potell stated that when this subject was reviewed in June, the 1:00 a.m. closing was proposed for every night in the week. Selectman Potell stated that he was still not in favor of that earlier proposal, but would consider the later closing hour for Friday and Saturday nights, on a trial basis, with the condition that food be served up until closing time, and, if no problems appear to arise as a result of this change, the later hour might be further considered for every night.

Selectman Powers stated that the later closing hour on Friday and Saturday nights, in his opinion, would cause the worst problems.

Selectman Powers stated that the Selectmen's responsibility is to the entire public, including the non-drinking public, and that he had not seen anything to make him change his mind. Selectman Powers reported that the Police Chief had, at the earlier hearing, expressed his opinion that the 1:00 a.m. closing would act as an attraction to people in other communities whose closing hour was earlier and that the Police Chief's recommendation which opposed the later closing hour had not changed. Selectman Powers stated that all license holders were aware that Sudbury had 12:00 Midnight closing hours when they began their operations, and he again stated that he would not change his mind.

Chairman Toomey stated that, in his opinion, the problems occurred in the parking lots in the Town rather than in the restaurants. Chairman Toomey stated that the Board has a responsibility to the owners of these establishments, as taxpayers in the Town, as to limitation on their business hours, especially when all the representative owners at the June 21 hearing endorsed the same.

After further discussion, it was on motion by Selectman Potell

VOTED: To grant a 1:00 a.m. closing time for all restaurant/club alcoholic beverage license holders, provided that food is served and the kitchens remain open until 1:00 a.m., on Friday and Saturday nights only, for a trial period, commencing January 1, 1977, not to exceed six months.

(Chairman Toomey and Selectman Potell in favor; Selectman Powers opposed, stating that, in his opinion, this action was one of the worst things the Board had done for some time.)

Alexander Robinson - South Middlesex News

Chairman Toomey, on behalf of the Board, presented Alexander Robinson, a reporter with the "South Middlesex News" whose regular assignment includes coverage of the Selectmen's meetings, with a copy of Sumner Chilton Powell's "Puritan Village" and the Bicentennial plaque commemorating the 1676 King Philip's War, in recognition of his contribution to the community through his accurate and impartial reporting.

Town Counsel Paul L. Kenny

Chairman Toomey introduced Paul L. Kenny, who had been appointed earlier this evening to the position of Town Counsel for the Town, and Mr. Kenny now joined the Board in his new capacity.

1977 Annual Town Meeting - Area Dispatch Center Article

Present: Fire Chief Josiah F. Frost; Alan Grathwohl, member of the Finance Committee

Executive Secretary Richard E. Thompson reported that an article had been submitted for the 1977 Annual Town Meeting by Fire Chief Josiah F. Frost which would enable the Town to enter into an agreement with several surrounding towns to provide for joint communications and a dispatch center for fire and ambulance services.

Executive Secretary Richard E. Thompson reported that Fire Chief Josiah F. Frost was tonight meeting with the Board for discussion of his proposed article.

Mr. Thompson reported that a meeting had recently been held at Emerson Hospital in Concord by the five area towns involved (Acton, Concord, Maynard, Stow, and Sudbury), which he, Selectman Powers, and Chief Frost had attended. Mr. Thompson reported that the meeting had been held in order to receive recommendations on the subject by Town officials and that Selectman Powers had asked, at that time, for additional information which had since been received from Chief Frost in his letter dated December 3, 1976, and its enclosure, a fact sheet dated November 30, 1976.

Chief Frost stated that the consensus of the Selectmen and Town Managers present at the earlier meeting was that time constraints have made it very difficult to work and maintain the grant that was awarded to the Area #24 towns by the Department of Health, Education, and Welfare in June 1976, in the amount of \$128,000. Chief Frost stated that, in his opinion, the basic plan is a viable and cost-saving plan, and that the area Chiefs had been able to obtain \$1500 of the grant with which to hire an attorney to meet with the attorneys for the area towns for the purpose of drawing up an agreement which is acceptable to all boards.

Chief Frost reported that the Maynard Selectmen have instructed the Maynard Fire Chief to submit an article similar to his proposal for Maynard's Town Meeting, that Concord's Town Manager had indicated that he is willing to proceed, but is awaiting answers from the Chief's attorney, and that the Acton Selectmen have expressed agreement with the plan. Chief Frost stated that the Federal grant was \$128,000, of which \$94,000+ is for communications equipment, \$14,000+ for engineering, and the balance for operational expenses of the Emergency Medical Services Coordinator.

Chief Frost stated that input is needed from Town officials and Town Counsel in order that an agreement for a practical and cost-effective plan be drawn up.

Chairman Toomey expressed his agreement with a regionalized system, but stated that the plan would be in difficulty if other towns are not in favor and their assessment is lost. Chairman Toomey asked Chief Frost if the figure of \$22,887, Sudbury's estimated first-year assessment, was realistic, and Chief Frost responded in the affirmative.

Selectman Powers stated that he would assume that the whole purpose of the Fire Chief's article is to obtain an indication of interest on the part of the Town and to authorize someone to negotiate a contract which would be approved by a later Town Meeting.

Mr. Thompson recommended that Town Counsel rephrase the article using Selectman Powers' words.

Chief Frost was in agreement, and he again stated that the article was proposed so that the area Chiefs could continue the program in order that the towns' earnestness be shown to the government and the funding saved.

Selectman Potell asked whether there was a time limit on the use of the grant, and Chief Frost stated that, if the towns show interest, the grant could be held over, but that he did not know for how long.

Chairman Toomey suggested that a schedule of the involved towns' annual meetings be prepared to help coordinate the program.

Finance Committee member Alan Grathwohl reported that the Finance Committee has reviewed Chief Frost's article, but had tabled the item without taking action. Mr. Grathwohl stated that the Committee would be interested in how the article will be rewritten and concerned with its financial aspects.

1977 Annual Town Meeting - Site Plan Approval Article

Present: Robert Cooper, Chairman, and Richard F. Brooks of the Planning Board

Robert Cooper, Chairman, and Richard Brooks of the Planning Board met with the Selectmen to discuss the proposed 1977 Annual Town Meeting article, co-sponsored by that Board and the Sign Review Board, on the subject of amendment of Article IX, V, A, Site Plan Approval, of the Bylaws to include signs as previously approved by the Sign Review Board.

Chairman Toomey reported that the Selectmen had authorized the Executive Secretary to advise the Finance Committee by telephone during their meeting on December 13 of the Board's strong opposition to the proposed article, as, in its opinion, it would place a hardship upon a site plan applicant. Chairman Toomey expressed the Selectmen's consensus that the present time frame of site plan approval would be adversely affected by the proposed additional step of sign approval by the Sign Review Board in advance of the plan's approval by the Selectmen.

Messrs. Cooper and Brooks stated that the proposal had been requested by the Sign Review Board, who suggested that their review be done as a separate cycle apart from and in advance of the submission of the plan to the Building Inspector which would start the 45-day time limit.

Chairman Toomey expressed his reluctance for the need of a bylaw change for this purpose.

The Executive Secretary recommended that the Sign Review Board might be included in the original distribution of the site plan, which would allow them to review it before its approval.

Mr. Brooks stated that if the problem could be worked out administratively in this way, it would be very acceptable, and he proposed that this suggested procedure be tried for a period of a year.

Selectman Potell stated that he would like to hear the Sign Review Board's reaction to this proposed procedure.

After further discussion, the Planning Board agreed that their article should be withdrawn.

Chairman Toomey stated that the Board was in agreement and would be in contact with the Sign Review Board in this regard.

Chapter 198 Account Expenditures--Haynes Garrison Site Marker, Bicentennial Expenses, Harmony Gardens Terrace

Present: Town Accountant John H. Wilson

Historic Marker - Haynes Garrison Site - After discussion, it was on motion by Selectman Powers unanimously

VOTED: To authorize an expenditure from the Chapter 198 Account in the amount of \$150 for an historic marker for Haynes Garrison site.

Bicentennial Expenses - After review and discussion of a memorandum dated December 21, 1976 from Town Accountant John H. Wilson, it was on motion unanimously

VOTED: To authorize payment from the Chapter 198 Account of the expenditures set forth in the Town Accountant's December 21, 1976 memorandum in the revised sum of \$287.60.

Harmony Gardens Terrace, Heritage Park - Executive Secretary Richard E. Thompson reported that an invitation-to-bid for the construction of Harmony Gardens Terrace had been advertised in the "South Middlesex News" and that bids had been opened at 4:00 p.m. today. Mr. Thompson reported that eight sets of bid specifications had been taken out and that three bids had been received.

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

VOTED: To award the bid for construction of the Harmony Gardens Terrace in Heritage Park to the low bidder, The MacDowell Company, 90 Smith Street, Waltham, for the sum of \$6,870;

and it was further

VOTED: To authorize an expenditure from the Chapter 198 Account in the amount of \$6,870 for the above-stated purpose.

Selectman Potell stated that, although he had previously voted against use of these funds for the construction of the Harmony Gardens Terrace, as no alternative use of the money had been suggested, he had acceded. Selectman Potell further stated that, in his opinion, an alternative should have been offered.

Award Bid - Historic Markers, Heritage Park

Executive Secretary Richard E. Thompson reported that an invitation-to-bid for a series of historic markers for placement in Heritage Park had recently been advertised in the South Middlesex News and that one bid had been received and was opened at 4:30 p.m. today.

After discussion, on the recommendation of the Executive Secretary, it was on motion by Selectman Powers unanimously

VOTED: To accept the bid of Photopanel of New England, Inc., for Historic Markers in Heritage Park, in the amount of \$489.00, in accordance with their letter and proposal dated December 27, 1976; said funds to be expended from the Heritage Park account.

Selectman Potell asked if it would be necessary that the installation of the markers go out to bid in the future. The Executive Secretary responded in the negative if the work involved was estimated to not exceed \$2,000.

Town Accountant - Proposal for New Accounting Machine

Present: Town Accountant John H. Wilson; Alan Grathwohl, Member, Finance Committee

Town Accountant John H. Wilson met with the Board relative to his proposal for a new accounting machine for the Town.

The Board had earlier received his report dated December 22, 1976 on the subject, which set forth current pricing information for the total cost of the machine which, in his opinion, would best serve the Accounting Department, the Assessors, the Tax Collector, and the School Department in the functions of appropriation accounting, payroll processing, tax billing, school appropriations accounting, and voter lists. Mr. Wilson's report also stated that the ad hoc group which was formed in November to explore possible solutions to the accounting machine question, had indicated their consensus that this recommended accounting machine was the best feasible solution to the equipment problem.

Executive Secretary Richard E. Thompson recommended that the Board accept the Town Accountant's report, which, he stated, basically confirms the figures given to the Board earlier.

In response to the Board's question, Mr. Wilson made the following statements:

- \$2,975 was calculated to be the average cost of maintenance, but further research would have to be done to find exactly what would be covered by this figure.

- The present cost for the Town's entire appropriation accounting, payroll, and tax bills is \$25,000 per year.

- The approximate cost for replacement of the existing accounting machine would be \$10,000 for the basic machine, plus a maintenance contract.

Mr. Grathwohl stated that he would like to have all needs determined before the actual machine is chosen.



Mr. Thompson recommended that the Board approve the Town Accountant's budget and that his above-referenced report be included in his budget, and he asked that Mr. Wilson indicate those people who provided support for his report.

Mr. Wilson stated that the committee had been composed of Philip Felleman, John Sirota, Russell Kirby, Joseph Klein, and Edward Connors.

After further discussion, it was on motion by Selectman Powers

VOTED: To accept the December 22, 1976 report from the Town Accountant for inclusion of \$13,250 in Account 521-51, Equipment Purchase, to purchase a new accounting machine and supplies, and of \$2,975 in Account 521-31, Maintenance, for a maintenance agreement.

(Chairman Toomey and Selectman Powers in favor; Selectman Potell voted present)

The Board requested that the Executive Secretary express the Board's appreciation to the ad hoc committee for their work in researching material for Mr. Wilson's above-referenced report.

Lincoln-Sudbury Regional School Budget

Present: Finance Committee member Alan Grathwohl

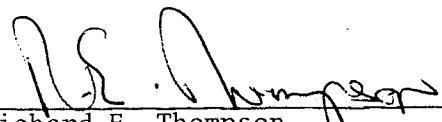
Finance Committee member Alan Grathwohl reported that he has been appointed as the Finance Committee's liaison to the Lincoln-Sudbury Regional High School Committee. Mr. Grathwohl reported that the Regional School Committee has a proposed \$5,279,000 budget of which Sudbury's assessment is \$3,004,000. Mr. Grathwohl stated that he did not know when the budget would be voted, but that that figure was unacceptable to him personally.

Selectman Potell reported that he believed the Regional School Committee would vote its budget by January 18.

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

VOTED: To adjourn the meeting at 9:50 p.m.

Attest:

  
Richard E. Thompson  
Executive Secretary-Clerk

Executive Sessions Declassified

Voted

December 27, 1976

Date of Minutes

December 20, 1976  
(complete executive session)

Dec 67  
12/20