

IN BOARD OF SELECTMEN
MONDAY, JULY 26, 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.

Citizen's Complaint

It was on motion unanimously

VOTED: To discuss an item not on tonight's agenda relative to a citizen's complaint concerning a recent neighborhood party.

After discussion of the complaint and related communications from the Police Department, during which Selectman Potell expressed his concern about apparent conflicts in the reports, the Board directed the Executive Secretary to request all reports and records concerning the incident from Police Chief Lombardi and to compile a complete report for the Board's information.

The Executive Secretary stated that, in addition to preparing the report, he would also submit to the Board a draft response to the complainant.

It was the consensus of the Board that the Executive Secretary could proceed directly with his response to the complainant, while making the information referenced above available to the Board, and that, if the response was satisfactory to the complainant, no further action on the matter by the Board would be necessary.

Wayland's Refuse Committee - Request for Meeting on Subject of Possible Joint Landfill

The Executive Secretary reported that Mrs. Casale, Chairman of Wayland's Refuse Disposal Committee, had requested a meeting to discuss the possibility of a joint landfill in Wayland where a model is on display.

Selectman Powers stated that the proposal for a joint landfill was an issue separate from that of the Wayland-Sudbury Septage Disposal facility, and he expressed his hope that this secondary issue--the joint landfill--would be delayed. Selectman Powers suggested that James Merloni, Town Engineer, meet with the Wayland Committee at their suggested time and report back to the Board.

The Executive Secretary reported that he and Mr. Merloni had viewed the model this morning. Mr. Thompson reported that there were varying opinions in Wayland as to the life of their present landfill and that Wayland was taking independent action relative to access for their proposed new sanitary landfill area.

Chairman Toomey suggested that, until a plan is on paper which can be reviewed by the Town Engineer and the Board of Health for their comments and suggestions, he was of the opinion that no joint meeting should take place.

Selectman Powers and Potell concurred, and Selectman Powers suggested that Wayland's proposal could be monitored by the Executive Secretary in the interim.

The Executive Secretary stated that he and the Town Engineer were ready at any time to give the Board a report on the model, and he expressed his hope that the Board would allow them to continue to represent the Board.

The Selectmen were in agreement.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of July 12, 1976.

Personnel Classification Changes

It was on motion by Selectman Powers unanimously

VOTED: To table consideration of a communication dated July 2, 1976 from the Executive Secretary relative to personnel classification changes until later in the evening during executive session.

Massachusetts Department of Commerce and Development -- Progress Report on Funding

The Board noted receipt of a communication dated June 2, 1976 from the Massachusetts Department of Commerce and Development furnishing a progress report for funding of the Massachusetts Industrial Mortgage Insurance Agency and the Community Development Finance Corporation.

The Executive Secretary suggested that the information be referred to the Sudbury Housing Authority and to the Planning Board.

The Board was in agreement.

Massachusetts Department of Community Affairs - Local Planning and Management Assistance

The Board received a communication from the Massachusetts Department of Community Affairs notifying communities of the availability of new local planning and management assistance.

The Board directed the Executive Secretary to forward the information to the Planning Board.

One-Day License for Sale of Wines and Malt Beverages - Lord's Day License for the Sale of Frozen Desserts, Ice Cream Mix, Confectionery, Soda Water or Fruit

It was on motion by Selectman Powers unanimously

VOTED: To confirm the July 15 telephone vote of the Board to issue the following licenses to Michael Barilone, President, M.S.S. Indulgence Society to accommodate their Annual Feast Day festivities at the Mossman Road Chapel on Sunday, July 25, 1976:

One-Day License for the Sale of Wines and Malt Beverages, subject to the condition that no loud speakers, amplifiers, or any other noise-producing devices are used;

License for the Sale of Frozen Desserts, Ice Cream Mix, Confectionery, Soda Water or Fruit on the Lord's Day.

One-Day License for the Sale of Wines and Malt Beverages - First Parish Church - July 3, 1976

The Board, at its meeting on July 12, 1976, voted to confirm its earlier vote to grant a one-day wines and malt beverages license to the First Parish Church of Sudbury for the purpose of accommodating the Bicentennial Ball on July 3, 1976. It was also agreed

at that time that a decision as to whether the fee would be waived would be made at a later time.

After discussion, it was on motion unanimously

VOTED: To set the fee for the above-referenced license at \$50.

Site Plan Application #76-167 - Peter Piona - One Union Avenue

Present: Francis E. White, Zoning Enforcement Agent/Building Inspector; Peter Piona, applicant; and one interested citizen

In accordance with Article IX, Section V, Paragraph A, the Board considered the site plan application of Peter Piona, Trustee, Peter-Cam Trust, Box 341, Lincoln, Massachusetts, for location at One Union Avenue.

The Executive Secretary reported that the appropriate Town officials and abutters had been notified and that the following reports had been received: from John V. Sullivan, Director for the Board of Health, dated July 19, 1976, indicating that the sewage system shown on the site plan is incorrect; from the Chairman of the Conservation Commission, dated July 14, 1976, stating that the site was of no concern to the Commission; from Francis E. White, Zoning Enforcement Agent/Building Inspector, dated June 21, 1976, recommending approval; and from the Chairman of the Planning Board, dated July 20, 1976, with recommendations.

The Executive Secretary also reported that the Board had received a second report dated July 26, 1976 from Mr. White, in which he addressed the specific recommendations in the Planning Board's above-referenced report.

The Board of Health's above-referenced letter was discussed, and Mr. Piona agreed that the sewage system was not properly located on the plan and would be corrected.

The Planning Board's recommendations and Mr. White's response to the same were discussed, and an agreement was reached that changes reflecting these reports would be made to the plan.

Surface water drainage was discussed and notarized releases to the Town were submitted from Mr. Piona relative to any and all damage or loss with regard to tie-in of a sub-drain system at the existing structure on the site to the existing storm drain on Union Avenue in front on the site.

Chairman Toomey stated that the releases should be reviewed by Town Counsel, and it was noted by Selectman Potell that one would have to be renotarized due to a typographical error in a date.

After further discussion, on the recommendation of Town Counsel to allow the necessary adjustments to be made to the plan and the property title to be rechecked, it was on motion by Selectman Potell unanimously

VOTED: To deny, without prejudice, the site plan of Peter Piona, Trustee, Peter-Cam Trust, Box 341, Lincoln, Massachusetts for location at One Union Avenue.

Future Agenda

Village Green Shopping Center Site Plan - The Executive Secretary reported that a revised site plan for Village Green Shopping Center was filed on July 20. After discussion, the Board requested the Executive Secretary to schedule the subject on the agenda for August 23.

Sign Review Board - Community Message Board - The Board affirmed the Executive Secretary's scheduling of a meeting with the Sign Review Board relative to a community message board on August 9, 1976, pending the availability of its members on that date.

Heritage Park - Vandalism

Selectman Powers reported vandalism by means of an axe on two occasions to a maple tree in Heritage Park, which was donated by the Paraplegic Veterans of the United States, and he expressed his personal thanks to John Lindgren and Allan Snow of the Tree Department for their efforts to preserve it. Selectman Powers expressed his hope that anyone having a complaint with the Town take it up with the Town rather than to destroy public property such as these trees, many of which were given as memorials.

Site Plan Application #76-168, Gibbs Oil, 465 Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent/Building Inspector; Francis Kilburn, attorney representing Gibbs Oil Company; Jose Reis, construction manager for Gibbs Oil Company; and two interested citizens

In accordance with Article IX, Section V, Paragraph A, of the Sudbury Bylaws, the Board considered the site plan of Gibbs Oil Company for location at 465 Boston Post Road.

The Executive Secretary reported that the Board had first considered this site plan on April 26, 1976 and that the main concern of the Selectmen, who had denied the plan without prejudice at that time, had been coordinating the disposal of the site's surface water with the State's reconstruction plans for drainage and widening of Boston Post Road in that area.

The Executive Secretary reported that the appropriate Town officials and abutters had been notified and that the following reports had been received: from the Chairman of the Conservation Commission, dated July 14, 1976, stating that the site was of no concern to the Commission; from Francis E. White, Building Inspector/Zoning Enforcement Agent, dated June 28, 1976, stating that a variance for insufficient front yard setback would be necessary before the site plan would conform to the Zoning Bylaws; from John V. Sullivan dated July 1, 1976, Director of the Board of Health; and from the Planning Board, dated July 20, 1976, which recommended approval subject to the granting of a variance for front and rear yard insufficiencies. In addition, the Executive Secretary reported that Town Engineer James Merloni had forwarded to the Board a copy of a report from Manoli Tiliakos, Town Planner, relative to a meeting between the representatives of Gibbs Oil and the State Department of Public Works.

Mr. White submitted and described the site plan.

Mr. Kilburn reported that the State had informed the Gibbs Oil Company that the State would take 10' of their Boston Post Road property sometime this fall in connection with that road's reconstruction, and that the present site plan had been changed in accordance with the State's plan. Mr. Kilburn further reported that he had filed an application for a variance with the Board of Appeals, but that he did not know when the hearing would be scheduled.

Mr. Kilbrun also reported that the plan and specifications had been submitted to the State Fire Marshal, and he gave to the Board a communication from Fire Chief Frost relative to his recommendations.

Chairman Toomey commented that it had been his understanding, at the April 26 meeting, that the site plan would not be resubmitted until after the hearing and decision of the Board of Appeals.

Town Counsel stated that, in his opinion, Gibb's application to the Board of Appeals was the first of this nature and that it would be premature for the Selectmen to take action before the Board of Appeals considered the matter. Mr. Turner further stated that, in his opinion, site plan approval should reflect the decision of the Board of Appeals.

Mr. Thompson recommended that the Board and the principals involved agree to meet within thirty days of the published decision of the Board of Appeals at which time final action would be taken by the Board.

All parties were in agreement.

Proposed Legislation - Appointment of Special Police Officers

On the subject of a draft dated June 21, 1976 of an act relative to appointment of Special Police Officers in the Town of Sudbury, Town Counsel stated that Police Chief Lombardi had reviewed the proposed legislation and, in Mr. Turner's opinion, had seemed satisfied with it.

Mr. Turner stated that, in his opinion, the legislation could be submitted now and also placed in a future town meeting file for action by the Town.

After discussion, it was on motion by Selectman Powers unanimously .

VOTED: To file with the State Legislature an act relative to the appointment of Special Police Officers in the Town of Sudbury, as drafted by Town Counsel and dated June 21, 1976.

Release of Maryland Casualty Companies Bond #91-185270 - Phillips Road - Accounting Procedure

Town Counsel referred to his letter of July 8, 1976 to the Chairman of the Planning Board concerning the release of Maryland Casualty Companies Bond #91-185270 in the amount of \$2,475.00, subject to the approval of the Planning Board, wherein he recommended that the settlement be placed in a special account and used to complete work in the subdivision for which the bond had been held.

It was the concensus of the Board at its meeting of July 12 to return the check to the general fund rather than to place it in a special account, as the amount was only a small percentage of the total cost of completing the work. The Board advised Town Counsel of its earlier decision and will determine its support for an article for total cost of the subdivision at a future special or annual town meeting.

After further discussion, it was on motion unanimously

VOTED: To confirm the Board's July 12 decision to return the check received from the Maryland Casualty Companies to the general fund and to so recommend to the Town Accountant.

Fire Department - Question of Conflict of Interest

Town Counsel brought to the Board's attention Fire Chief Frost's request dated June 30, 1976 for an opinion on the question of possible conflict of interest if one of his captains, who is also Fire Alarm Superintendent, were to be hired, while off duty, as a private contractor at a contract rate to perform any duties in his capacity as Fire Alarm Superintendent which might occur when he was off duty. Chief Frost's letter stated that the captain had agreed to work as a private contractor while off-duty in order to avoid his being paid time-and-one-half as a fire captain.

Town Counsel, referring to his response dated July 8, 1976 to Chief Frost, stated that it was his opinion that, subject to appropriation and public bid requirements, when applicable, the Chief could hire a member of his Department to perform additional services for the Town in a non-professional capacity.

Town Counsel stated that he was of the opinion that the Board should be made aware of this request for his opinion in case they wished to act in the matter.

Selectman Powers expressed his opinion that the request should have come from the individual involved.

After further discussion, it was agreed to request from the Fire Chief additional information as to the magnitude of the proposal, in relation to using 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, an explanation of the savings to the Town over a period of years, and how this relates to the installation and replacement of the fire alarm systems running from the Town Centre down Concord Road to Route 20.

Lincoln-Sudbury Regional School Committee - Request for Opinion on Conflict of Interest

Town Counsel brought to the Board's attention a request dated June 25, 1976 from Frank Heys, Secretary, Lincoln-Sudbury Regional School Cmmittee to him relative to Town Counsel's memorandum dated June 16, 1976, which was distributed to all Town boards, commissions and committees.

Mr. Heys' letter requested clarification as to the proper action of a school committee member who is called upon to consider and vote upon a measure affecting the education, well-being, safety, but not the financial interest, of one of his or her children.

Town Counsel, referring to his response dated July 8, 1976 to Mr. Heys, stated that he had advised Mr. Heys that there is nothing in the Conflict of Interest law that prohibits a school committee member from considering and voting upon measures generally affecting the education, well-being, and safety of all school children, including his or her children, but that common sense in these matters must be practiced.

In answer to Chairman Toomey's question as to whether it was proper for Mr. Turner to respond to Mr. Heys, as Town Counsel did not represent the Regional School Committee, Mr. Turner responded that he had addressed Mr. Heys' question for reasons of clarification rather than to give an interpretation of the law.

Sudbury School Department Encumbrances - Fiscal 1976

Town Counsel reported the following recent correspondence on the subject of Sudbury School Department encumbrances for fiscal 1976: from B. J. Hennessy, Business Manager for the Sudbury School Department, dated July 7, 1976, requesting encumbrances to fiscal 1976 School Department funds; from Town Accountant to Mr. Hennessy, dated July 14, 1976, setting forth policy for encumbering fiscal 1976 School funds; and from Town Counsel to Mr. Hennessy, dated July 21, 1976, upholding the encumbrance policy stated in Town Accountant's July 14 letter.

The Board expressed its agreement with the policy set forth by the Town Accountant in his above-referenced letter.

1977 State Budget - Sudbury Decision

Present: Frank Grinnell, Chairman, Board of Assessors

Town Counsel reported on his communication dated July 21, 1976 to the Board on the subject of the 1977 State Budget as it pertains to the Sudbury Decision. Mr. Turner stated that the final 1977 State budget no longer contains Line Item 1201-0200 which represented a \$250,000 budget item for implementation of the Sudbury Decision.

Mr. Turner reported that a hearing had been held on the Line Item and that no opposition had been heard, but that it had later been deleted from the budget.

Mr. Turner stated that he will request of the Court that the State provide the necessary funding for implementing the Sudbury Decision, as the statutory responsibility rests clearly with the Department of Corporations and Taxation. Mr. Turner stated that he will file this special request with the Chief Justice within ten days and will report back to the Board on the matter within two weeks.

Public Inspection of Building Permits Records

Town Counsel reported that an opinion dated July 12, 1976 had been prepared by Thomas French, Assistant to Town Counsel, and approved by him (Mr. Turner), which stated that building permit information, as a public record, must be made available for inspection and examination by any person. Mr. Turner reported that this opinion had been issued, following a written request dated July 8, 1976 from Arthur MacDonnell of the Sudbury Town Crier to the Selectmen that the Building Inspector permit his newspaper to see the listing of building permits issued by his office in order that a list be prepared for publication by the newspaper on a regular basis.

Town Counsel reported that Mr. White, the Building Inspector, had earlier denied Mr. MacDonnell's request, as he did not wish these names and addresses published, because of possible resultant injury to the particular individuals, due to theft of building supplies, etc.

Mr. Thompson reported that he had agreed with Mr. White's action until receipt of Mr. MacDonnell's letter referenced above and that he still agrees with Mr. White's position. Mr. Thompson stated that theft from construction sites is a serious problem in the Town and that he would ask that the newspapers not print these names and addresses which would assist people in house breaks.

It was pointed out that real estate transactions, which include names and addresses, were regularly printed in the newspapers, and after further discussion, it was agreed, in accordance with the July 12 opinion of Town Counsel, that the above-requested information be made available to Mr. MacDonnell.

Appointments -- Election Officers

Present: Betsey M. Powers, Town Clerk

The Board received a communication dated July 22, 1976 from Betsey M. Powers, Town Clerk, relative to her recommendations for specific election officer assignments for appointment as Election Officers for the coming year.

The Executive Secretary commented that the Town Clerk should be commended for her thorough research in connection with the preparation of the assignment list.

The Town Clerk discussed with the Board her request for additional Inspectors and Deputies for each precinct, after which it was on motion by Selectman Potell unanimously

VOTED: To make the following appointments for the coming year:

Precinct 1

Warden - Anne Lehr
Deputy Warden - June Atwood
Clerk - John Blanchette
Deputy Clerk - Winifred Fitzgerald
Inspectors - Benjamin Hammer
 Helga Andrews
Deputy Inspectors - Shirley MacGregor
 Mary Early

Precinct 2

Warden - Richard Moore
Deputy Warden - Eugenie Mader
Clerk - Marjorie Davin
Deputy Clerk - Robert Abrams
Inspectors - Fay Hamilton
 Dorothy Sears
Deputy Inspectors - Donnilea Marshall
 Myron Fox

Precinct 3

Warden - Lois Moulton
Deputy Warden - Jeanne Maloney
Clerk - Leona Johnson
Deputy Clerk - Alice Morrison
Inspectors - Victor Harmon, Anita Cohen
Deputy Inspectors - Joyce Rubin, Virginia Allan

Precinct 4

Warden - Claire Jarvis
Deputy Warden - JoAnn Savoy
Clerk - Elizabeth Newton
Deputy Clerk - Mildred Rothwell
Inspectors - Marion Hriniak, Hester Lewis
Deputy Inspectors - Ann Beckett, Mary Monroe

Tellers

Republican

Chester Hamilton
Louis Morrison
Forrest Bradshaw
John P. Nixon
Daniel Bortle
William A. Burns
Robert Nims
Malcolm Beers
Royal E. Haynes, Jr.
H. Stewart Dickson

Democratic

Joan Felleman
Paul Beatty
Pauline Walker
Warren Boyce
John Walsh
Jeremy Glass
John Hennessy
Mary Farry
Maryellen Gallagher
Alorie Parkhill

ADDITIONAL INSPECTORS AND DEPUTY INSPECTORS:

Precinct 1

Inspectors - Lorraine Bauder, Margaret McQueen
Deputy Inspectors - Thalia Rasmussen, Jeanne McCarthy

Precinct 2

Inspectors - Louise Card, Nancy Taft
Deputy Inspectors - Shirlee Burd, Cheryl Rogers

Precinct 3

Inspectors - Marion Zola, Helen Lucero
Deputy Inspectors - Barbara Haynes, Thomas Blanchette

Precinct 4

Inspectors - Carol Thurston, Carole Johnson
Deputy Inspectors - Martha Johnson, Dorothy McCarthy

Appointment - Personnel Board

After discussion, it was on motion unanimously

VOTED: To appoint Margaret Bonarrigo to the Personnel Board for a term to expire on April 30, 1979.

Executive Session

At 9:30 p.m. after a unanimous roll call vote, it was on motion further unanimously

VOTED: To enter into executive session to discuss:

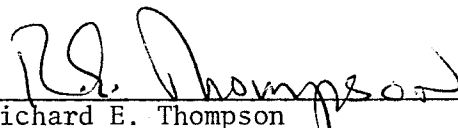
- a) the reputation and character, physical condition or mental health rather than the professional competence of a single individual;
- b) collective bargaining or litigation; and
- c) Selectmen's Discretionary Fund.

Chairman Toomey announced that the public meeting would not reconvene following the executive session.

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

VOTED: To adjourn the meeting at 10:30 p.m.

Attest:


Richard E. Thompson
Executive Secretary/Clerk