

IN BOARD OF SELECTMEN  
MONDAY, JUNE 21, 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 complied with, the meeting was called to order at 7:30 p.m. by Chairman William F. Toomey.

Sudbury Art Association - Outdoor Art Show - Monday, July 5

Present: Alan Grathwohl

In response to a communication dated June 21, 1976 from Joan Y. Grathwohl, President, Sudbury Art Association, it was on motion unanimously

VOTED: To grant permission to use the Town Common, under the direction and control of the Executive Secretary, to the Sudbury Art Association on Monday, July 5, for an outdoor art show.

One-Day Wines and Malt Beverages License - Richard E. Thompson, Executive Secretary, Business and Industry Luncheon - July 7, 1976

In response to the request of the Executive Secretary, it was on motion unanimously

VOTED: To grant a one-day wines and malt beverages license to Richard E. Thompson, Executive Secretary, on Wednesday, July 7, 1976, for the purpose of accommodating the Business and Industry Luncheon to be held in or adjacent to the Town Hall.

The Board agreed to waive the license fee.

One-Day Wines and Malt Beverages License - John Murray, Chairman, Park and Recreation Commission - Old Fashioned Picnic, July 4, 1976

In response to a request from the Park and Recreation Commission, it was on motion unanimously

VOTED: To grant a one-day wines and malt beverages license to John Murray, Chairman, Park and Recreation Commission, on Sunday, July 4, 1976, for the purpose of accommodating the old fashioned picnic to be held at Feeley Park at 2:30 p.m.

The Board agreed to waive the license fee.

Heritage Park - Clean-Up

The Executive Secretary announced a clean-up evening to be held at Heritage Park on Thursday, July 1, between the hours of 6:30 p.m. - 8:30 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the meeting of June 14, 1976.

HUD - Flood Hazard Boundary Maps - Town's Appeal

The Executive Secretary reported that James Merloni, Town Engineer, had notified him regarding receipt of a communication dated June 10, 1976 from Werner W. Miller, Project Manager, Michael Baker, Jr., Inc., Engineers and Surveyors, relative to Sudbury's appeal of the flood hazard boundary maps for the Town, as prepared by HUD. Mr. Thompson reported that the Town Engineer had expressed his disappointment to Mr. Miller that the flood hazard boundary maps did not contain a flood contour line inasmuch as this information had been provided by Mr. Merloni. Mr. Thompson stated that he had asked Mr. Merloni to request a three-month extension to respond to Mr. Miller with corrected maps and that he had today learned that the Town would only be allowed a one-month extension.

Also discussed was related correspondence from the Town Engineer to Michael Baker, Jr., Inc., dated June 14, 1976, which requested the three-month extension, and from the Town Engineer to the Federal Insurance Administration, dated June 17, 1976, which requested that copies of computations, source data sheets, and other engineering documentation used to prepare the Sudbury maps be made available to the Town Engineer for use in his evaluation of the maps.

Selectman Powers stated that, in his opinion, it is impossible to determine the flood hazard areas on the maps, and he affirmed the Town Engineer's disappointment that the contour lines were not shown.

After further discussion during which it was agreed that a one-month extension was not sufficient time in which to evaluate and correct the maps, the Board agreed to support the Town Engineer's attempts to obtain a three-month extension.

In response to Selectman Potell's question as to the Board's position if no further extension could be obtained and the Town Engineer could not complete his corrections within a month, the Executive Secretary stated that his recommendation at that time would be a formal appeal.

The Board requested that copies of the communications referenced above be forwarded to the Planning Board.

Metropolitan District Commission - Septage Disposal Privileges

The Executive Secretary reported that the Board had received an informational communication dated June 9, 1976 from the Metropolitan District Commission relative to septage disposal privileges of communities in the metropolitan district. Mr. Thompson reported that he had included this item on tonight's agenda for informational purposes only, as the Town is not a member community, because the communication reflected a change in the Commission's former policy of not accepting additional connections.

Selectman Powers suggested that the material referenced above be forwarded to the Board of Health for their information.

The Board was in agreement.

Massachusetts League of Cities and Towns - Optional Payment to Home Rule Legal Defense Fund

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

VOTED: To approve an optional payment to the Massachusetts League of Cities and Towns' Home Rule Legal Defense Fund in the amount of \$60.20 from Account 501-21, Selectmen's General Expense.

1976 Annual Town Meeting - Bylaw Amendments Approved by Attorney General

The Executive Secretary reported that the Town Clerk had forwarded to his office a communication dated June 10, 1976 from Henry F. O'Connell, Assistant Attorney General, enclosing amendments to the Sudbury Bylaws adopted under Articles 10, 15, 17, 24, and 25 of the 1976 Annual Town Meeting which had been endorsed by the Attorney General.

Selectman Potell requested that the Executive Secretary note in the future town meeting folder the need of an article to change the words "Highway Commission" to "Board of Selectmen" in Article V, Sections 11 and 12 of the Sudbury Bylaws.

Massachusetts Bicentennial Commission - Certificate of Appreciation

Chairman Toomey announced receipt of a communication dated May 7, 1976 from the Executive Director of the Massachusetts Bicentennial Commission, which enclosed a Certificate of Appreciation to Sudbury for its work to ensure a proper commemoration of the nation's 200th anniversary.

Selectman Powers requested that a copy of the above-referenced communication as well as a copy of a related communication dated May 5, 1976 from the Administrator of the National American Revolution Bicentennial Commission, enclosing a Bicentennial Message from the President of the United States, be forwarded to the Sudbury Revolutionary War Bicentennial Committee.

Chairman Toomey and Selectman Potell were in accord.

Park and Recreation Commission - Parking of Big W Trans

In response to a request dated June 17, 1976 from the Park and Recreation Commission, it was on motion unanimously

VOTED: To grant permission for use of the Town Hall parking lot to park two (2) Big W Trans busses used for the summer swimming program from June 28 to August 15, with the exception of the following dates during the Bicentennial celebration: July 2, 3, 4, and 5.

Town Common - July 5, 1976 - League of Women Voters

In response to a communication dated June 19, 1976, it was on motion unanimously

VOTED: To grant permission to use the Town Common, under the direction and control of the Executive Secretary, to the League of Women Voters during the July 5 festivities for the purpose of setting up an information booth to distribute data on voter registration, League membership, and publications.

Sudbury School Committee - Vacancy

The Executive Secretary reported that the Board had received ten applications for consideration by the Board and the remaining members of the Sudbury School Committee for interview and possible election to the Sudbury School Committee at the Board's special meeting scheduled for 7:30 p.m. on Wednesday, June 23, 1976, in the Loring Parsonage.

Mr. Thompson read the list of applicants, as follows: Susan F. Abrams, 143 Victoria Road; Lois Ames, 285 Marlboro Road; Anna Mead Baker, 31 Patricia Road; Margaret Bonarrigo, 78 Pelham Island Road; Judith Delman, 32 Sunset Path; Seena Fischer Garavoy, 19 Stearns Lane; Mary Jane Hillery, 66 Willow Road; Alorie Parkhill, 62 Maynard Road; Henry H. Tufts, 10 Uplook Drive; Lori E. Waldsmith, 587 Hudson Road.

Mr. Thompson reported that an additional application might be received on June 22 and that he had scheduled interviews with the candidates listed above at ten-minute intervals that evening.

The Board expressed agreement with Mr. Thompson's proposed procedure.

#### Appointments

After discussion, it was on motion unanimously

VOTED: To make the following appointments:

Clifford Hughes as MBTA Designee for a term to expire on April 30, 1977.

Earl B. Hoyle and John C. Naatz to the Insurance Advisory Committee for terms to expire on April 30, 1977.

Ronald Laasanen, John R. MacLean, Sr., Raymond J. Spinelli, Sr., Armando Troisi, Joseph Bausk, Joseph Bisson, and Robert Hall as Special Constables for Paid Detail only, each for a term to expire on April 30, 1977.

#### Senior Citizens Club - Council on Aging

The Board, at its June 14 meeting, after a discussion with members of the Council on Aging and representatives of the Senior Citizens Club, agreed that Selectman Powers would meet with those groups to draft procedural guidelines relative to use of budget funds as they pertain to bus trips scheduled by the Senior Citizens Club.

Selectman Powers now reported that he had met this morning with representatives of both groups and, after considerable discussion, a procedural agreement was unanimously approved which would ensure the equal availability of future bus trips to all senior citizens.

#### Fourth of July Parade - July 5, 1976

Present: Police Chief Nicholas Lombardi; Fire Chief Josiah Frost; Highway Surveyor Robert Noyes; William Bonwitt, John Sklenak, and Roger Davis of the Sudbury Auxiliary Police; Marilyn MacLean, Chairman, Bicentennial Ball Committee; Patricia Hersey, Coordinator for the Revolutionary Bicentennial War Committee; Joseph Bausk; and John Murray, Park and Recreation Commission.

As requested by Chairman Toomey at the Board's June 1 meeting, the Police Chief, the Fire Chief, the Highway Surveyor, and representatives of the Park and Recreation Commission, the Revolutionary War Bicentennial Committee, and the Sudbury Police Auxiliary met with the Board to discuss plans for and participation in the upcoming Fourth of July celebration.

Mrs. Hersey distributed copies of the activities scheduled for July 3, 4, and 5, and procedures, safeguards, preparations, and specific personnel requirements

for these events were reported by the appropriate Town officials and discussed at length.

Agreements were reached and procedures established in the following areas:

July 3 - Flying Demonstrations - The Park and Recreation Commission was requested to have parking restricted to proper areas at and adjacent to Haskell Field and not along Hudson Road.

Mr. Murray stated that he would have Park and Recreation personnel direct the parking during these events.

Bicentennial Ball - Mrs. MacLean reported the following items concerning the Bicentennial Ball:

- Publicity will be forthcoming which will request that citizens use shuttle busses to come to the Ball as no parking for private cars will be available.

- Upon leaving the busses, citizens will be given a flyer containing a map and schedule of activities.

- She has met with the Highway Surveyor regarding blocking off certain streets and with the Building/Wiring Inspector concerning additional lighting for the Sudbury Centre area.

- Accommodations are being made for 2,000 - 2,200 citizens to attend the ball, and she has requested ten regular patrolmen and ten auxiliaries.

- A meeting will be held at 7:00 p.m. in advance of the Ball to coordinate assignments of the Police Department.

- There will be intermissions during the Ball at which time public announcements will be made from all buildings concerning the Escort Ceremony for the Mayor and Mayoress of Sudbury, England, performance by the Highland Band, and the Late-Night Breakfast.

Police Chief Lombardi reported that his plan for required personnel is completed, but not fully assigned and that it includes auxiliary police.

Mr. Bonwitt of the Auxiliaries distributed a traffic control proposal relative to the Fourth of July Parade for the Board's information.

Fire Chief Frost reported that all fire equipment will be removed from the Centre Station and stationed at the Blacksmith Shop (Spiller's) on Peakham Road or at the "Village Green" shopping center and that a Firefighter/EMT has been scheduled with the dispatcher at the Centre Station during the Ball.

July 4 - Selectman Powers requested that a portable public address system be used in connection with tree planting and song festival and bell ringing activities in Heritage Park and the book presentation ceremony at Town Hall.

Park and Recreation Commissioner Murray stated that he could supply such a system for these activities.

Selectman Powers requested two Patrolmen to ensure security during an exhibit of ancient Sudbury records at the Town Hall.

The Executive Secretary suggested that the Board express to the Police Chief their policy regarding vendors and request that this policy be enforced.

It was agreed that a portion of Raymond Road between the Boston Post Road and Warren Road be closed to through traffic during the activities scheduled for July 4 at Feeley Park, and the Park and Recreation Commission was requested to work with the Police Chief, who will, in turn, work with the Police Auxiliary in this regard.

July 5 - The Board asked that the Park and Recreation Commission, through civilian band radio or similar method, work to ensure that the main body of the Fourth of July Parade, which follows the advance fire engines section, not develop long intervals between individual marching units.

The Park and Recreation Commission stated that they will request George Horton and James Dusenberry to help organize the marchers in this regard.

Selectman Potell thanked the Town officials for their participation in the activities described above, and Chairman Toomey offered the services of the Executive Secretary to help in any further areas of coordination.

Planning Board Public Hearing for Housing Assistance Plan - HUD Funds

Present: Emmanuel Tiliakos, Town Planner

The Board met with the Town Planner, Emmanuel Tiliakos, to review the Town's application to the Department of Housing and Urban Development (HUD) for housing rehabilitation funds in advance of the Planning Board's June 28 public hearing on the Housing Assistance Plan to accompany the application.

Mr. Tiliakos reported that he had gone to HUD to discuss the numbers contained in the Housing Assistance Plan, which should conform approximately to those contained in the MAPC's October 1974 publication on Low and Moderate Income Housing Needs. Mr. Tiliakos stated that many of the numbers used in the application came from the publication referenced above.

Selectman Potell expressed his concern as he had at the earlier meeting, as to the Town's obligations if chosen to receive the \$30,000 funding.

Mr. Tiliakos commented that any HUD guidelines for use of the money would only apply for the year in which the money was received, and he expressed his opinion that the money could be refused at any time if the Town did not wish to abide by any particular regulation.

In response to Selectman Potell's question, Mr. Tiliakos stated that the Planning Board has not refused to administer the program, but that he was of the opinion that they might not wish to accept this responsibility. Mr. Tiliakos further stated that the Town's application is flexible and the funding, if approved, could be in the form of a loan or given outright as a grant.

The Executive Secretary commented that Mr. Tiliakos had indicated to him that Sudbury is the only Town in its class which had been requested to make a full application for funding.

Chairman Powers complimented the members of the staff on their preparation of the aforementioned application.

Sudbury Housing Authority - Illegal Occupancy of the Housing for the Elderly

The Executive Secretary reported that the Board was notified, by copy of a letter dated June 10, 1976 to the Sudbury Housing Authority from Building Inspector Francis E. White, of the illegal occupancy of the Housing for the Elderly. The Executive Secretary reported that this notification followed Mr. White's inspection of the premises and his notice to the Sudbury Housing Authority's executive director of the violation of the Massachusetts State Building Code if occupancy took place before completion of work.

Mr. Thompson read a second communication dated June 17, 1976 from the Building Inspector to the Sudbury Housing Authority on this matter, in which Mr. White stated that he would request, from Town Counsel, answers to the following questions:

1) What liability might the Town have if a tenant should get hurt as a direct result of incompleted work and no building certification?

Town Counsel responded that the Town has no liability in the matter, but that the Housing Authority, a separate entity, would be liable in any such instance.

2) Should the Building Department proceed with court action in order to protect the Town?

Town Counsel suggested that the Building Inspector submit a written demand to the Sudbury Housing Authority, asking that they reply within a specific time before more formal action (a court order) might be taken by the Board. Town Counsel further stated that the Sudbury Housing Authority should be prohibited from allowing additional units to be filled.

3) Should all tenants be notified of their position in this matter and the tenants be responsible for being in violation of the Massachusetts Building Code?

Town Counsel stated that, in his opinion, the notice should be given to all residents of the premises that a Certificate of Occupancy has not yet been issued and that the tenants were not properly admitted.

The Executive Secretary recommended that the Board direct him to notify the Chairman of the Sudbury Housing Authority of the Board's great concern in this regard and to ask them to clarify their intentions relative to compliance with the Building Inspector's request.

The Board concurred and so directed the Executive Secretary.

The Board further directed Mr. Thompson to discuss the matter with the Building Inspector and to report back to the Board on June 28, and, further, to schedule the Building Inspector on the agenda for the Board's July 12 meeting for a status report on the matter.

Hearing - 1 A.M. Closing for Liquor Pouring License Holders

Present: Dong P. Wong, Manager, Pacific Gate Restaurant; Charles F. Doe, and Mark Richards, Managers, 99 Restaurant; Gerald Brogna, President/Manager, The Sudbury House, Inc.; John L. Trevisani, Manager, J. T. Steak House; Francis J. Koppeis, Innkeeper, The Wayside Inn; Ronald Griffin, member, Post #191, American Legion; and Police Chief Lombardi

Chairman Toomey reported that after the Board's receipt of a request dated May 21, 1976 from Charles F. Doe, Manager, The Ninety Nines, for a 1 a.m. license for the 99 Restaurant, 698 Boston Post Road, and a similar request from Dong P. Wong, Manager, Pacific Gate Restaurant in a letter dated June 9, 1976, he had requested that the Executive Secretary inform all holders of all-alcoholic pouring licenses of the open meeting scheduled for tonight for the purpose of discussion on the subject of the later closing hour.

The Executive Secretary reported that the Board had received a communication dated June 17, 1976 from Francis Koppeis, Innkeeper of The Wayside Inn, in support of the proposal to extend the serving hours.

Messrs. Wong, Richards, Brogna, Trevisani, and Koppeis spoke in favor of the proposal, although several commented that they would not necessarily use it.

Ronald Griffin commented that, if the extension were to be granted, it be made mandatory that food also be served until the 1 a.m. closing time.

Police Chief Nicholas Lombardi objected to the granting of an extension on moral grounds, and he stated that, in his opinion, it was not in keeping with the character of the Town. Chief Lombardi also stated that, in his opinion, adjacent towns were experiencing a great problem with a later closing hour and were considering an earlier closing.

Selectman Powers expressed his agreement with Chief Lombardi, stating that, in his opinion, the Board must do what it considers to be in the best interests of the Town and that they would not wish to change its character.

Selectman Potell expressed his agreement with Chief Lombardi and Selectman Powers, and he further stated that he wished that more of the public could have also been present tonight in addition to the license holders. Selectman Potell stated that it might be possible to have an extension in serving hours on Friday and/or Saturday night only, and he suggested that perhaps a trial basis might be possible in order to get the public's reaction.

Chairman Toomey stated that Chief Lombardi had a valid point relating to problems experienced by adjacent towns, but he expressed his opinion that the problems arose not within the confines of the restaurants, but in the parking lots. Chairman Toomey suggested that the discussion be continued following publicity in the local newspapers in order to obtain input from the public.

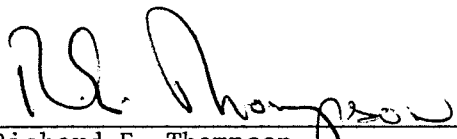
After further discussion, it was on motion unanimously

VOTED: To schedule a public hearing at a regular meeting of the Board after the first week in September and to provide in advance of that meeting for appropriate advertising to inform the public.

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

VOTED: To adjourn the meeting at 9:40 p.m.

Attest:

  
Richard E. Thompson  
Executive Secretary/Clerk