

IN BOARD OF SELECTMEN
MONDAY, JUNE 28, 1976

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

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.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the meeting of June 21, 1976.

Utility Petition #76-51 - Powder Mill Road

It was on motion by Selectman Powers

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

POWDER MILL ROAD, westerly side, approximately 1030 feet north
of Powers Road
One (1) pole

Heritage Park - Balance of Payment to Dingley Contracting Co., Inc.

The Board, at its meeting on May 10, 1976, voted to approve the recommendation of the Town Engineer to withhold for thirty days a final payment to Dingley Contracting Co., Inc., in the amount of \$588.90 for walkway construction and finish grading in Heritage Park and further, to request that the Town Engineer notify the Board following the thirty-day period with regard to the release of the balance of payment following his confirmation of satisfactory completion of work under the contract.

The Executive Secretary reported that the Board had received a communication dated June 18, 1976 from James V. Merloni, Town Engineer, advising the Board that all work under the contract has been completed and found to be acceptable. Mr. Merloni recommended that final payment be made.

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

VOTED: To approve the final payment in the amount of \$588.90 to Dingley Contracting Co., Inc., for Heritage Park walkway construction and finish grading.

Town Engineer's Proposal Request - Article 28, 1976 Annual Town Meeting

The Executive Secretary reported that the Town Engineer had indicated to him several weeks ago that he had requested engineering service proposals for the survey portion of the project voted under Article 28 of the 1976 Annual Town Meeting (Drawings/Specifications for Drainage Systems). Mr. Thompson reported that the Board received a communication dated June 22, 1976 from the Town Engineer requesting the Board's approval to enter into an agreement with Ewald Engineering Company, 833 Edgell Road, Framingham (lowest quote), and that he be designated as the Selectmen's representative in this matter.

Mr. Thompson recommended that the Board act favorably to the Town Engineer's request.

Selectman Potell stated that, as the content of the proposal request could not be completely ascertained by the responses, he would like to review a copy of the same.

The Executive Secretary stated that he did not have a copy of the proposal and would, therefore, recommend that the matter be tabled until the Board's meeting on July 12, as the delay would have no impact on the project.

After further discussion, it was on motion unanimously

VOTED: To table further consideration of the Town Engineer's request for approval to enter into an agreement for engineering services relative to implementation of Article 28 of the 1976 Annual Town Meeting until July 12, 1976 to allow receipt of the Town Engineer's proposal request dated June 3, 1976.

Town Common - July 5, 1976 - The Villagers Club

In response to a request dated June 24, 1976 from Jane Melick, Civic Relations, the Villagers Club, after discussion, it was on motion by Selectman Powers unanimously

VOTED: To grant permission to use the Town Hall property located on the south side of the Hall, under the direction and control of the Executive Secretary, to the Villagers Club during the July 5 festivities for the purpose of selling Sudbury, Massachusetts 01776 shirts.

Davis Land Lease Agreement - Stephen B. Verrill

The Executive Secretary reported that on February 17, 1976, the Board had voted to grant the rental of the portion of the Davis Land under the control of the Selectmen to Stephen B. Verrill of Concord for the sum of \$700 for one year, with the terms of the lease to be drafted by Town Counsel in accordance with the terms in Mr. Verrill's letter dated February 10, 1976.

The Executive Secretary reported that the Park and Recreation Commission had since allowed a model airplane club the use of more than an acre of this land for flying and demonstration purposes and that Town Counsel's lease agreement reflected a reduction of payment from \$700 to \$600, by the lessee to compensate for the reduction of land.

In response to the Board's questions, the Executive Secretary made the following statements:

- The Park and Recreation Commission has made an agreement with Mr. Verrill as to which acre will not be used.
- Approximately 38 acres are proposed for lease to Mr. Verrill for cultivation.
- Mr. Verrill suggested a reduced figure of \$600 because of reduced available acreage.
- The Park and Recreation Commission has not yet voted on this matter.

It was the recommendation of Town Counsel that the Board sign the agreement subject to the approval of the Park and Recreation Commission.

Following a brief discussion as to whether or not liability would be incurred by the Town for any destruction caused to Mr. Verrill's crop by the model airplanes, it was on motion by Selectman Powers unanimously

VOTED: To lay the matter on the table for further discussion with the Park and Recreation Commission at a later hour.

Later in the evening, after the arrival of Mr. Murray, Chairman of the Park and Recreation Commission, it was on motion unanimously

VOTED: To take the matter off the table for further discussion.

The Executive Secretary summarized the earlier discussion on the matter, and Mr. Murray stated that the original location of the area to be used by the flying club had been changed and that it would no longer be a problem. Mr. Murray stated that he was not sure Mr. Verrill was aware of the proposed change and that the Park and Recreation Commission would like to discuss this matter with him before the lease agreement was signed. Mr. Murray further stated that the Park and Recreation Commission had negotiated the \$700 figure only.

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

VOTED: To table item 11 of tonight's agenda until such time as the Park and Recreation Commission further reviews the matter and suggests to the board what action should be taken, (it being understood the agreement would be forwarded to the Park and Recreation Commission).

Taxi License Renewals

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

VOTED: To renew the taxi and/or limousine service licenses for Lincoln Town Cab, Lincoln, at the rate established by the previous vote of the Board on June 30, 1975, and for E. R. Brown, Sudbury Gulf Corporation, 470 Boston Post Road, at the rates quoted in his application which was received by the Board on June 24, 1976. These licenses are granted and accepted upon the express condition that the licensees shall, in all respects, conform to all of the rules and regulations as made by the licensing authorities under the provisions of Chapter 40, Section 22 of the General Laws, as amended, and shall expire June 30, 1977, unless earlier suspended, canceled, or revoked. Approval is also subject to the Board's notification by the licensees of all changes in driver personnel, with character verification for the individual drivers to be determined by the Police Chief.

Letter of Appreciation to James Mercury, Mercury Service Station - Senior Citizens

Chairman Toomey announced that the Board had received a copy of a communication dated June 22, 1976 from the Chairman of the Council on Aging to Mr. James Mercury, Mercury Service Station, expressing the Council's appreciation for his generosity and courtesy extended to the Town's senior citizens during recent car inspection periods.

Chairman Toomey stated that he would like the public to be informed of Mr. Mercury's service to the Senior Citizens and at his suggestion, it was on motion by Selectman Powers unanimously

VOTED: To send a letter to Mr. Mercury, expressing the Board's gratitude for his generosity and courtesy extended to Sudbury's Senior Citizens.

Illegal Occupancy of the Housing for the Elderly

The Board, at its meeting on June 21, 1976, directed the Executive Secretary to report back to the Board on June 28 on the matter of the illegal occupancy of the Housing for the Elderly.

Mr. Thompson reported that he had been informed today by Francis E. White, Building Inspector, that all conditions in Mr. White's June 17, 1976 letter to the Board had been complied with, with the exception of the incompleted work in the Community Center and the greenhouse. Mr. Thompson reported that it would be one more week before a Certificate of Occupancy would be issued on these areas.

Mr. Thompson reported that the Selectmen, Mayor Moore of Sudbury, Suffolk, England, and he toured the housing facility today and that all Certificates of Occupancy had been issued for the living quarters. Mr. Thompson also stated that Town Counsel had responded, by letter dated June 24, 1976, to the Building Inspector relative to the questions discussed at the Board's June 21 meeting which had been raised in Mr. White's June 17 letter.

Chairman Toomey expressed the Board's pleasure in seeing the resident's enjoyment and enthusiasm concerning their apartments.

Public Hearing - Application to Store Inflammables Underground - Michael Zeolla, Jr., Lot 6, Prides Crossing Road

Present: Michael Zeolla, applicant

In accordance with the provisions of Chapter 148 of the General Laws, the Board, acting as the Licensing Authority for the Town, held a public hearing on the application of Michael A. Zeolla, Jr., 131 Lincoln Road, Wayland, for a license to store inflammables for home heating purposes, as follows:

Underground 2,000 gallons #2fuel oil on property known as Lot 6, Prides Crossing Road.

The Executive Secretary reported that the hearing had been advertised and appropriate Town officials and abutters notified. Mr. Thompson further reported that the Board had received a favorable recommendation dated June 18, 1976 from the Fire Chief and a communication dated June 22, 1976 from the Building Inspector, which indicated approval provided that a distance of at least 25 feet be maintained from any underground electric main service.

In response to the Board's questions, Mr. Zeolla stated that he had applied for the permit referenced above in order to avail himself of a reduced price for oil and that the Building Inspector's condition of 25 feet would in no way be a problem.

After further discussion, it was on motion unanimously

VOTED: To grant a license to Michael A. Zeolla, Jr., 131 Lincoln Road, Wayland, for a license to store inflammables for home heating purposes only, as follows:

Underground 2,000 gallons #2 fuel oil on property known as Lot #6, Prides Crossing Road, provided that the placement of the tank is at least a distance of 25 feet from any underground electrical main service.

Reserve Fund Transfer Request

The Executive Secretary reported that he had learned, late last week, that there were insufficient funds in Account 503-21, Law General Expense, to allow payment of recent outstanding bills for cases in which Town Counsel David L. Turner did not represent the Town; specifically, the case of Vincent Zarrilla vs. the Town and special fees for Labor Relations Counsel Richard W. Murphy.

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

VOTED: To approve Request No. 0693, as submitted by the Executive Secretary, for a transfer from the Reserve Fund to Account 503-21, Law General Expense, in the amount of \$820 to cover the expenses set forth in the transfer.

Town Counsel - Litigation

Town Counsel reported that Superior Court had dismissed eleven suits against the Town of Sudbury this month and, in addition, the Appellate Tax Board had disposed of thirteen cases, upholding the decision of the Board of Assessors in each case.

Town Counsel updated the Board on several other current and pending cases and, on the subject of the equalized valuation appeal by certain cities and towns, he suggested that he file a series of motions, the most important being that a group of five be appointed by the Court--two from the State, one or two from the cities and towns (via the Massachusetts Selectmen's Association and the Association of Assessors) and one or two experts in the field of appraisal, to review and recommend action on implementation of the Sudbury case/decision.

The Board was in agreement, and Chairman Toomey stated that a prior vote by the Board would give Town Counsel authorization for this action.

Conflict of Interest Law

Town Counsel reported that the Supreme Judicial Court has recently held that town officials, in potential conflict situation, must abstain from deliberating and voting procedures. Town Counsel stated that his memorandum dated June 16, 1976, which had enclosed his June 10, 1976 opinion on the subject of the conflict of interest statute, had been distributed to all Town boards, commissions, committees, and officials.

July 26, 1976 Agenda

The Executive Secretary brought to the Board's attention items scheduled on the July 26, 1976 agenda; specifically, the resubmission of a site plan for Gibbs Oil Company for property located at 465 Boston Post Road and a request from the Wayland Refuse Disposal Planning Committee for discussion relative to a joint landfill operation.

Mr. Thompson recommended that the Town Engineer and Highway Surveyor be invited to join in the latter discussion, and the Board was in agreement.

Selectman Powers stated that he wished to point out that this was a matter separate from that involving the joint Wayland/Sudbury Septage Disposal Facility.

One-Day Wines and Malt Beverages License - June 28, 1976 - Executive Secretary -
Richard E. Thompson

The Board confirmed its earlier vote of June 26, 1976 to grant a one-day wines and malt beverages license to Richard E. Thompson, Executive Secretary, for the purpose of accommodating a reception for the Mayor and Mayoress of Sudbury, Suffolk, England, to be held at the Loring Parsonage and the Town Hall on June 28, 1976.

1976-77 Juror List

After discussion, it was on motion unanimously

VOTED: To approve the 1976-77 Juror List, as submitted by the Executive Secretary, for use during the next two to three years.

At 8:35 p.m., it was on motion unanimously

VOTED: To recess the meeting for a brief period.

Town Fathers Forum - 109th Session

At 9:00 p.m., Chairman Toomey convened the 109th session of the Town Fathers Forum, and he welcomed and introduced the Honorable Anthony Moore and his wife Valerie. Mr. Moore is recent past Mayor and present Councillor of Sudbury Town Council, Suffolk, England, who is the official representative from Sudbury, England during the American Bicentennial Celebration.

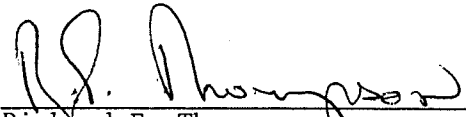
Mr. Moore made a few opening remarks concerning the history of Sudbury, England and then showed and described a short film of Sudbury, Suffolk's celebration depicting characters in Charles Dickens' Pickwick Papers, the locale of which had been determined to be Sudbury, Suffolk.

At the conclusion of the film, Chairman Toomey requested that a reception line be formed and the Mayor and his wife were greeted by Town officials.

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

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

Attest:


Richard E. Thompson
Executive Secretary/Clerk