

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 1, 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 Acting Chairman John C. Powers.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and the Town Fathers Forum of October 26, 1976, the former as corrected.

Site Plan Application #76-174, J.R. Sousa & Son, Leonard E. and Vera Pike, 475-477 Boston Post Road

Present: Philip Wilker, Operations Manager, J.R. Sousa & Sons; Richard E. Olson, Engineer, Köller Associates, Inc., representing the applicant; Francis E. White, Building Inspector/Zoning Enforcement Agent

The Board, at its meeting on October 18, by agreement of all parties, unanimously voted to extend the expiration date of the site plan application of J.R. Sousa & Sons, for location at 475-477 Boston Post Road until November 1, 1976 to allow recommended revisions to the plan and the drafting of an appropriate motion for the Board's action.

Building Inspector/Zoning Enforcement Agent Francis E. White submitted the site plan and reported that the recommendations set forth in the Planning Board's October 13, 1976 letter had been incorporated into the plan.

After discussion, it was on motion by Selectman Powers unanimously

VOTED: To approve site plan application #76-174, J.R. Sousa & Son, Leonard E. and Vera Pike, owners, 475-477 Boston Post Road, drawing dated September 2, 1976, revised October 26, 1976, as submitted, subject to approval by the Sign Review Board of all signs, approval by the Conservation Commission (wetlands), and further subject to the construction of a large rip-rapped area at the headwall at the rear of the property which, in the determination of the Conservation Commission, will prevent scouring of the earth.

Site Plan #76-175, Peter Piona, Trustee, Peter-Cam Trust, One Union Avenue

Present: Building Inspector/Zoning Enforcement Agent Francis E. White

The Board, at its meeting on October 26, 1976, unanimously voted to approve the site plan application of Peter Piona, Trustee, Peter-Cam Trust, for location at One Union Avenue, subject to conditions set forth in the September 8, 1976 letter from the Director of the Board of Health and the consolidation of the three separate plans into a single sheet before its return to the Board for signatures.

Building Inspector/Zoning Enforcement Agent Francis E. White submitted to the Board the revised plan and, after its review, it was on motion by Selectman Powers unanimously

VOTED: To confirm the Board's October 26, 1976 vote of approval of site plan #76-175, Peter Piona, Trustee, Peter-Cam Trust, One Union Avenue, drawing dated June 21, 1976, revised June 25, 1976 and July 16, 1976, subject to the approval by the Sign Review Board of all signs, and subject to a restriction of a daily sewage flow of 400 gallons, as set forth in the September 8, 1976 letter from the Director of the Board of Health.

Open House - John R. McEnroy - Town of Wayland

The Board received a communication dated October 21, 1976 from Thelma Moulton, Wayland, Committee for John R. McEnroy, inviting the Board to attend a retirement party for Wayland's Town Clerk and former Selectman John R. McEnroy on Sunday, November 14.

It was agreed that Selectman Powers would represent the Board at the occasion.

Notice of Intent to Contribute Ambulance Equipment

The Executive Secretary reported that the Board had received a communication dated October 25, 1976 from Town Treasurer William E. Downing, expressing his intent to contribute \$100 toward the purchase of ambulance equipment.

Mr. Downing's letter stated that, at the request of Fire Chief Josiah Frost, he would delay his donation until he was advised of a decision as to how the contribution could best be used.

The Executive Secretary reported that he had scheduled the matter on tonight's agenda to bring it to the Board's attention.

After discussion, it was on motion by Selectman Powers unanimously

VOTED: To thank Mr. Downing for his letter expressing his intent to contribute toward ambulance equipment purchase and to inform him that the Ambulance Task Force would contact him in this regard.

Appointment - Historic Districts Commission

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

VOTED: To change the Board's October 26, 1976 vote relative to appointment to the Historic Districts Commission to read: "To appoint Mrs. Maynard R. Marshall (Donnilea Smith Marshall), 12 Ruddock Road, to the Historic Districts Commission for a term to expire on January 1, 1979.

Application for Assistance Under Public Works Employment Act of 1976

After discussion, on the recommendation of the Executive Secretary relative to expansion of the Board's vote of October 4, 1976 authorizing the filing of an application for assistance under the Public Works Employment Act of 1976, it was on motion unanimously

VOTED: To authorize the Executive Secretary to file a full application to the Economic Development Administration, U.S. Department of Commerce, and appropriate State and areawide A-95 Review clearing houses for funding assistance under Title I of the Public Works Employment Act of 1976 - Local Public Works Capital Development and Investment Program; and the Executive Secretary is further authorized to execute all appropriate contracts and documents related thereto.

State and National Election Warrant - Correction of Previous Vote

It was on motion by Selectman Powers unanimously

VOTED: To correct the Board's vote of October 18, 1976 relative to setting the time and place of the Presidential Election on November 2, 1976 by deleting the word "auditorium".

Massachusetts League of Cities and Towns -- Annual Meeting

Chairman Toomey reported on the October 29 and 30, 1976 annual meeting of the Massachusetts League of Cities and Towns at which political speakers were present, among them Mayor Beame of New York City and Secretary of Commerce Elliot Richardson. Chairman Toomey reported that Secretary Richardson had stated that the northeast section of the country is an area where the county tax collection system is not used and that this section, therefore, is not included in distribution of Federal money to the counties.

Chairman Toomey stated that, while he was not advocating a new tax system it might be wise to consider legislative changes which might benefit this area.

Executive Secretary Richard E. Thompson suggested that another way to help the northeast area would be to make a change in some of our commerce laws. Mr. Thompson stated that as the laws now stand long-haul trucks delivering loads to the area must return empty. Mr. Thompson also suggested that a change be made in the Federal formulas for determining amounts of revenue coming to the New England states.

South Middlesex Selectmen's Association

The Executive Secretary reported that the next area meeting of the South Middlesex Selectmen's Association would be hosted by the Sudbury Selectmen and would be held at the Wayside Inn on Wednesday, November 17, 1976.

Hearing -- Application of Richard Higgins - Underground Storage License of 3000 Gallons #2 Fuel Oil, Lot 113, Chanticleer Road

Present: Building Inspector Francis E. White

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 Richard Higgins for a license to store inflammables for home heating purposes, as follows:

Underground, 3000 gallons #2 fuel oil, on property known as Lot #113, Chanticleer Road, Sudbury, owned by 1776 Inc., 355 North 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 October 21, 1976, from the Fire Chief and a report dated October 25, 1976 from the Building Inspector, who indicated approval provided that a distance of at least 25 feet be maintained from any underground electrical service.

In response to the Board's concern that the applicant was not the owner of the property, Town Counsel stated that the license would run with the land and that this condition could be specified in the Board's vote.

After discussion, it was on motion unanimously

VOTED: To grant a license for storage of 3000 gallons of #2 fuel oil for home heating purposes, only, to the property known as Lot #113, Chanticleer Road; installation being subject to the review and approval by the Fire Chief and the Building Inspector. The tank is to be located no closer than 25 feet from the underground electrical service for the building.

Cemetery Study Committee

Selectman Potell reported that the first meeting of the Cemetery Study Committee had been held on Wednesday, October 20, and that Reverend Homer Goddard had been elected Chairman and Frank Dowling as Vice Chairman.

Selectman Potell reported that successive meetings had been held on October 25 and November 1, and he suggested that the Board consider appointing alternates to the Committee to enable votes by the entire Committee in the event of the absence of one or more of its members.

After discussion, it was agreed that, because of the fact that the Committee was to be of short duration and that its members were generally available during this period, no additional appointments would be made.

Selectman Potell reported that the Committee members had requested additional material for their review and that he had passed this request on to the Executive Secretary.

Chairman Toomey requested that Selectman Potell invite the Committee to contact him or the Executive Secretary for any further assistance.

Hearing -- Application of Thomas A. Murdock for Underground Storage of 3000 Gallons #2 Fuel Oil, Lot #114, Chanticleer Road

Present: Building Inspector Francis E. White

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 Thomas A. Murdock, for a license to store inflammables for home heating purposes, as follows:

Underground, 3000 gallons #2 fuel oil, on property known as Lot #114, Chanticleer Road, Sudbury.

The Executive Secretary reported that the hearing had been advertised and appropriate Town officials and abutters notified. Mr. Thompson further reported that the following reports had been received: from the Fire Chief, dated October 21, 1976, recommending approval, and from the Building Inspector, dated October 25, 1976, which recommended approval provided that the tank is located no closer than 25 feet from the underground electrical service for the building.

After discussion, it was on motion unanimously

VOTED: To grant a license to Thomas A. Murdock of 3000 gallons of #2 fuel oil for home heating purposes, only, on property known as Lot #114, Chanticleer Road; installation being subject to the review and approval by the Fire Chief and the Building Inspector. The tank is to be located no closer than 25 feet from the underground electrical service for the building.

Unfunded Pension Programs

The Board received a letter dated October 26, 1976 from Christopher J. Farrell, Town Manager of the Town of Acton, relative to recent publicity concerning unfunded pension programs and that Town's plan to address this issue by announcing that Mr. Carmen Elio, Chairman of the Massachusetts Retirement System, has consented to speak and answer questions regarding the subject at a discussion on Tuesday, November 16, 1976, at 8:00 p.m. in the Acton Town Hall. Mr. Farrell invited attendance at this meeting by local officials.

The Board requested that the Executive Secretary ask Town Accountant John Wilson to attend the meeting.

Noise Pollution - Sudbury Centre

The Board, at its meeting on October 4 reviewed a communication, received on September 23, 1976 from Nanci W. Reed, a resident of Concord Road near Sudbury Centre, on the subject of noise pollution in that area. The Board, at that time, forwarded the communication to the Police Chief and the Town Engineer for their verbal reports.

Executive Secretary Richard E. Thompson reported that he had since received the above-mentioned reports and had responded to Mrs. Reed with a letter dated October 25, 1976.

Robert Best Road - Vandalism

Present: Bernard J. Keller, 91 Robert Best Road

Mr. Bernard J. Keller, 91 Robert Best Road, appeared at the meeting to inform the Selectmen of his and his neighbors' great concern caused by vandalism in the area of Robert Best Road. Mr. Keller reported that the vandalism has been increasing in intensity and that lamp-post light bulbs were being broken or removed from outdoor electrical fixtures to allow the vandals to approach closer to the homes. Mr. Keller reported that mailboxes and light standards were being destroyed, that houses were being pelted with eggs, and that vehicles were being driven through homeowners' yards.

Mr. Keller reported that the most recent damage, which amounted to hundreds of dollars, had occurred during the weekend of October 23-24 and that during that Saturday night a babysitter had been badly frightened. Mr. Keller reported that the area residents have become increasingly concerned and that several have discussed arming themselves.

Mr. Keller stated that these incidents have been reported to the Police Department, but that the Police have indicated that they cannot handle the situation.

Chairman Toomey explained that there are on duty in the Police Department, at any one time, only three patrolmen and one sergeant, and he suggested that, through the Executive Secretary, a meeting on the subject be scheduled as soon as possible at which the Police Department could be represented and their full report on the matter be given.

Executive Secretary Richard E. Thompson stated that similar happenings had occurred in other areas in Sudbury and that those responsible had been caught and prosecuted.

Selectman Powers stated that this was the Board had been made aware of the problem in this neighborhood, and he thanked Mr. Keller for bringing it to the Board's attention.

Mr. Thompson stated that he would follow up the matter and contact Mr. Keller in this regard as soon as possible.

Civil Defense and Preparedness - Emergency Operations Plan

Present: Josiah F. Frost, Director of Civil Defense and Preparedness/Fire Chief

Civil Defense Preparedness Director/Fire Chief Josiah F. Frost met with the Board relative to the question of the Board's approval of an Emergency Operations Plan.

Executive Secretary Richard E. Thompson reported that the Town had been trying for the last four years to formulate a plan for the maximum survival of people and preservation of property in the event of a natural or man-made disaster and that this Emergency Operations Plan had been drafted by the Civil Defense Director for this purpose.

Chief Frost stated that the Plan was drafted in accordance with Federal guidelines and was to be distributed to all department heads, supplemented with their addenda, and returned to Area #1 Headquarters in Tewksbury.

The Board reviewed the Plan and offered the following suggestions:

- The roles of the Sudbury Public Health Nursing Association, Highway Department, and Board of Health should be given more attention.
- Include list of all equipment for all departments under Section II, A (p.2).
- Indicate cross-communication problems between the Water District/Highway Departments and the Fire/Police Complex (p.2).

- Inquire of Town Counsel as to what rights the Selectmen have in dealing with the Sudbury Water District, a separate entity.

- Inquire of Town Counsel whether there is a statute dealing with the position of Highway Surveyor in an emergency situation.

- Indicate that Sudbury Auxiliary Police are under the operational control at all times of the Police Chief (p.4).

- Cite statute under which the Civil Defense operation was created.

- Consult with the Talent Search Committee to find names of people who might be used in various departments as emergency personnel.

- Request Engineering Department for detailed construction plans of gas and power facilities in public buildings. (p.10).

- Add the Board of Selectmen and Park and Recreation Commission to the Highway Department as departments dealing with activities related to the maintenance of streets, highways, parks, cemeteries, and trees (p.10).

- Delete the words "advisory personnel" (p.10, Building Department, Items 2 and 3).

- Ambulance Services - It has not yet been determined which department will provide ambulance service (pp. 2 and 11).

- Number of Police Department EMT's should be included (p.2).

- Prepare a separate section for the subject of nuclear attack and delete all references to nuclear attack in the main body of the Plan.

Chief Frost stated that he would rework the draft in conjunction with the Executive Secretary and would ask the involved department heads for their supplements.

Town Counsel was requested to supply the Board with a copy of the statute which sets forth the rights of boards of selectmen in the event of emergency situations.

The Board stated that the subject would be scheduled on an agenda in two or three weeks to allow receipt of the revised plan and the input from the department heads, and Chief Frost was thanked for his report.

Town Counsel - Applications for Position

The Board briefly discussed a screening process for reviewing applications for the position of Town Counsel.

Town Counsel David L. Turner was requested to submit to the Board, as soon as possible, his written opinion on the ability of the Selectmen to discuss the applications in executive session under the guidelines of the Open Meeting Law.

Executive Secretary Richard E. Thompson reported that fourteen applications for the position had been received and that more were expected.

In response to Mr. Thompson's question, the Board reconfirmed its earlier position that Town Counsel must be physically available during the Board's Monday night meetings, unless excused by the Chairman.

Executive Session

Following a unanimous roll call vote, it was on motion by Selectman Powers further unanimously

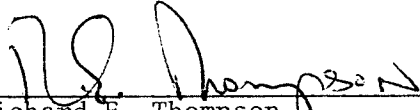
VOTED: To enter into executive session for discussion of 1) the reputation and character, physical condition or mental health rather than the professional competence of a single individual and 2) discipline or dismissal of the hearing of complaints or charges against an individual.

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 9:30 p.m.

Attest:


Richard E. Thompson
Executive Secretary/Clerk