

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 22, 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.

Jurors

Present: Betsey M. Powers, Town Clerk

The Board drew the names of Edwin Lampner, 16 Marked Tree Road, to serve as Grand Juror at Cambridge Court, Jannette Munsey, 82 Pelham Island Road, to serve as juror at Lowell Court, and Willie L. Hoover, 31 Clark Lane, and Stephen J. Bobrinitz, 143 Pantry Road, to serve as jurors for Cambridge Court, all commencing January 3, 1977.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of November 15, 1976;

and it was further

VOTED: To declassify the minutes of the executive session of November 15, 1976.

Fire Alarm Maintenance Truck

Present: Alan Grathwohl and Philip Felleman of the Finance Committee

The Board at its meeting on November 15, 1976 voted to table further consideration of the purchase of a used fire alarm maintenance truck with a short aerial ladder until November 22, 1976 to allow receipt of further information from the Executive Secretary and the Fire Chief.

Executive Secretary Richard E. Thompson now read his report dated November 18, 1976, which had been submitted to the Board and which requested that the Board reconsider its position of November 15 to allow the purchase of the vehicle from the Town of Acton at the cost of \$900.

The members of the Board complimented the Executive Secretary on his well-researched report, and each responded to it.

Selectman Powers stated that he would support the purchase of the vehicle at the next Special or Annual Town Meeting, but not at the present time.

Selectman Potell stated that, at the present time, he would not support the use of the surplus funds in the Fire Department budget so early in the year and, in his opinion, the appropriate thing to do would be to return the vehicle.

Chairman Toomey stated that he was still extremely distressed by the Fire Chief's action relative to the purchase of the vehicle without the prior knowledge of the Board.

Selectman Powers further stated that, in his opinion, it was a question of working out an arrangement with the Town of Acton and that, if the purchase were to be voted by a Special Town Meeting, payment could be made before July 1, 1977.

Finance Committee member Alan Grathwohl commented that the Town already has title to the vehicle and that it has been insured by the Town.

Selectman Potell stated that the title could be transferred back to Acton and the insurance canceled and that, in his opinion, if the vehicle were not to be paid for at this time, he would ask that it be returned.

In discussion that followed, it was not determined whether the vehicle, which bears a municipal license plate, has yet been insured by the Town.

Chairman Toomey stated that the Board was not disputing the worth of the vehicle, but was only concerned with the manner in which it was acquired.

The Executive Secretary stated that the vehicle is still owned by the Town of Acton and that Sudbury could use the vehicle under the existing mutual-aid agreement, as that is common practice with special equipment.

Selectman Potell moved that the purchase of the used fire alarm maintenance truck be disapproved and that the vehicle be returned to the Town of Acton.

Selectman Powers seconded the motion for purposes of discussion.

Mr. Grathwohl commented that, in his opinion, the two-way channel of communication between the Fire Chief and the Selectmen should be improved and that, as a result of poor communication between these two departments, he has spent a great deal more time in his capacity as Fire Department liaison than on his other liaison assignments. Mr. Grathwohl stated, however, that he was in agreement that the Chief's procedure in this matter was incorrect.

Chairman Toomey responded that the Selectmen had discussed with the Fire Chief on several earlier occasions the need for the Board to be made aware, in advance, of certain of his actions.

Finance Committee member Philip Felleman stated that, in his opinion if the Town Meeting had known of the future ability to purchase this vehicle, there would have been no problem and that, if it is returned to Acton, Sudbury might be faced with the problem of acquiring a similar vehicle in the near future. Mr. Felleman further commented that he believed it is the Chief's intent to request ladder equipment in a future budget.

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Selectman Powers stated that, in his opinion, the situation should be worked out by the Executive Secretary and Chief Frost.

Selectman Potell stated that, in his opinion, the inexpensive purchase price of \$900 was not sufficient reason for the Town to acquire the vehicle, and he commented on the additional maintenance and personnel costs associated with its use.

Chairman Toomey questioned whether, if this vehicle were to be purchased by the Town, the Town would require a bigger and much costlier piece of similar equipment when this vehicle is no longer usable. Chairman Toomey stated that he would like to instruct the Executive Secretary to arrange for use of the vehicle under existing mutual-aid procedures and agreements. Chairman Toomey further stated that he was not ready, at this time, to vote on Selectman Potell's motion, but that he would entertain an amendment that the Executive Secretary be instructed to discuss the situation with the other towns for the vehicle's use on a mutual basis.

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

VOTED: To strike the earlier motion to return the used fire alarm maintenance vehicle to the Town of Acton;

and it was further

VOTED: That the matter of the disposition of the vehicle be referred to the Executive Secretary and the Fire Chief for a further report by November 29, 1976.

Town Fathers Forum - 112th Session

At 8:00 p.m. Chairman Toomey convened the 112th session of the Town Fathers Forum, a summary of which is attached hereto.

Sudbury Fire Department Surplus Vehicle

Present: Highway Surveyor Robert A. Noyes and Building Inspector Francis E. White

The Board received a communication dated November 15, 1976 from Fire Chief Josiah F. Frost relative to alternatives for the disposition of a surplus Fire Department 1957 International Rescue Truck.

Following the Board's review of the same and related communications from the Town Engineer, dated October 26, 1976, who expressed no need of the vehicle; from the Highway Surveyor, dated October 26, 1976, who indicated that the vehicle could be used by the Highway Department as a sign truck and for limited plowing; from the Building Inspector, dated October 20, 1976, who stated that the vehicle could be used to transport material and equipment between Town buildings; and from the Park and Recreation Commission, dated October 28, 1976, who indicated no need of the vehicle at this time.

In response to Selectman Powers' question, Highway Surveyor Robert A. Noyes stated that the Highway Department's mechanic had inspected the vehicle and was of the opinion that it could be repaired for their use.

The Building Inspector was in agreement that the greater use would be by the Highway Department, and after further discussion, it was on motion by Selectman Potell unanimously

VOTED: To transfer the Fire Department's 1957 International Rescue Truck to the Highway Department in accordance with the Fire Chief's November 15, 1976 letter and Article XII, Section 1 of the Sudbury Bylaws.

Peakham Road/Old Lancaster Road Intersection

After a brief discussion, it was on motion unanimously

VOTED: To table the Board's review of a report dated November 10, 1976 from the Town Engineer, furnishing an estimate of preliminary survey and engineering work required to correct the hazardous conditions of the Peakham/Old Lancaster Road intersection and alternative proposals for proceeding with the same, until a later meeting at which Town Engineer James V. Merloni could attend.

Cemetery Rules and Regulations

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

VOTED: To refer the final report and draft of the Cemetery Rules and Regulations, dated November 17, 1976, from the Cemetery Study Committee to Town Counsel, the Highway Surveyor/Superintendent of Cemeteries, the Town Engineer, and the Board of Health for their review and reports; and it was further

VOTED: To schedule a public hearing on the matter of Cemetery Rules and Regulations at 8:30 p.m., November 29, 1976, during the board's regular meeting.

Appointments - Sudbury Police Department - Permanent Patrolmen

Present: Police Chief Nicholas Lombardi; Gary E. Ryan and Allen H. Keough, Jr., candidates for appointment to the Sudbury Police Department

Executive Secretary Richard E. Thompson reported that the Board had received, from the Division of Personnel Administration, a certified list dated November 5, 1976 of eligible candidates for appointment as Permanent Patrolmen with the Sudbury Police Department. Mr. Thompson reported that the Board was meeting tonight with Police Chief Lombardi and candidates Gary E. Ryan and Allen H. Keough, Jr., in this regard.

Chief Lombardi introduced the two candidates, and each informed the Board of his background.

Chairman Toomey commented that these men, in accepting appointments, would be low men in the Department with no choice of schedule, and he asked whether this would be of concern.

Both Mr. Ryan and Mr. Keough responded that this condition was acceptable.

After further discussion, on the recommendation of Police Chief Lombardi, it was on motion by Selectman Potell unanimously

VOTED: To appoint Gary E. Ryan, 137 Dutton Road, Sudbury, as Permanent Patrolman in the Sudbury Police Department, effective November 26, 1976, subject to the approval of the Division of Personnel Administration and the Sudbury Personnel Board.

It was further

VOTED: To appoint Allen H. Keough, Jr., 16 Pine Ridge Road, Sudbury, as Permanent Patrolman in the Sudbury Police Department, effective November 26, 1976, subject to the approval of the Division of Personnel Administration and the Sudbury Personnel Board;

and it was further

VOTED: To authorize the Executive Secretary to sign the necessary forms and documents relative to the aforementioned appointments for forwarding to the Division of Personnel Administration.

Annual License Renewals

Following the Board's review of inspection reports from the Building Inspector, dated November 9, 1976, from the Fire Chief dated November 15, 1976, and from the Director of the Board of Health, dated November 19, 1976, it was on motion unanimously

VOTED: To renew the following licenses and forward the appropriate renewal forms to the Alcoholic Beverages Control Commission for approval; said licenses shall be held until payment of fees as required and completion of all work identified by the Building Inspector, the Fire Chief, and the Director of the Board of Health in their above-referenced communications, as confirmed by those department heads and incorporated into a report by the Executive Secretary, with actual issuance after a final Board review:

Package Store All-Alcoholic Beverages

The Colonial Spirits
MacKinnon's Package Store (Sudbury Super Market)
Wayside Package Store

Restaurant - All Alcoholic Beverages

Svensk Kaffe Stuga, Inc.
"99" (99 West, Inc.)
Pacific Gate Restaurant
Ye Olde 117 House, Inc.
Pizza alla Pietra Corp.

Innholder - All Alcoholic Beverages

The Wayside Inn

Club - All Alcoholic

American Legion Post #191, Inc.

It was further

VOTED: To renew the following licenses which shall be held until payment of fees as required and completion of all work identified by the Building Inspector, the Fire Chief, and the Board of Health in their above-referenced communications, as confirmed by those department heads and incorporated into a report from the Executive Secretary, with actual issuance after a final Board review:

Common Victualler

Svensk Kaffe Stuga, Inc.
99 West, Inc.
Pacific Gate Restaurant
Pizza alla Pietra Corp.
The Wayside Inn
Ye Olde 117 House
American Legion #191, Inc.
Brigham's
Colonial House of Pancakes

Friendly Ice Cream Shop
Paul Joseph's Restaurant
Sudbury Bowladrome, Inc.
Sudbury Dairy Queen
Sudbury Pizza
Sudbury Drug
Sudbury Skating & Tennis Club, Inc.

Weekday Entertainment

Svensk Kaffe Stuga, Inc.
99 West, Inc.
Pacific Gate Restaurant
Pizza alla Pietra Corp.
The Wayside Inn
Ye Olde 117 House

American Legion #191, Inc.
Friendly Ice Cream Shop
Sudbury Bowladrome, Inc.
Sudbury Skating & Tennis Club, Inc.
Brigham's

Weekday Automatic Amusement Devices

American Legion #191, Inc.
Sudbury Bowladrome, Inc.
Rowe International, Inc., (Sudbury Skating & Tennis Club, Inc.)

It was further

VOTED: To approve issuance by the Town Clerk of the following auctioneer annual licenses, subject to the payment of fees as required:

James L. Thelen, 11 Dudley Road
Mitchell Bistany, 21 Old Meadow Road

and it was further

VOTED: To defer consideration of issuing renewal licenses to the below-named establishments until receipt of additional information and possible hearing:

The Sudbury House
J.T. Steak House
The Package Store
Ephraim's Restaurant

The Executive Secretary was directed to notify the aforementioned four business establishments of the Board's action in this matter, and further to furnish the same businesses copies of the Building, Health, and Fire reports which precipitated this action by the Board of Selectmen.

Chapter 198 Account Expenditure -- Victor Neumeier Photographic Art Display

After discussion of a scheduled display of Victor Neumeier's Bicentennial photographs arranged for December 10, 11, and 12 at the Peter Noyes School, during which Executive Secretary Richard E. Thompson and Selectman Powers stated that it had been learned that the \$200 previously authorized for payment of costs associated with the upcoming exhibit was insufficient, it was on motion by Selectman Potell unanimously

VOTED: To transfer \$150 from the Chapter 198 account for the purpose of payment of costs associated with the display of photographs taken by Victor Neumeier during the 1975 and 1976 Bicentennial celebrations.

Selectmen's Non-Monied Articles

The Board briefly reviewed their non-monied articles proposed for the warrant for the 1977 Annual Town Meeting, as follows:

1. Hear Reports
2. Temporary Borrowing
3. Public Works Employment Act Funds
4. Special Act - Special Police
5. Accept General Laws, Chapter 41, s100I, Indemnification of Municipal Officers
6. Amend Bylaws, Article VI, Section 2, Enforcement
7. Amend Bylaws, Article IX, Section VI, D., Penalty
8. Amend Bylaws, Article V, Sections 11 and 12, Public Safety
9. Transfer Landham Road Bridge to DPW
10. Hudson Road Walkway - Penn Central Railroad Crossing
11. Old Lancaster Road Walkway - Penn Central Railroad Crossing
12. Amend Bylaws - Town Seal
13. Abolish Power and Light Committee
14. Establish Cemetery Rules and Regulations

It was agreed that the subject would be rescheduled for final review on November 29, 1976.

Executive Session

At 10:10 p.m., following a unanimous vote, it was on motion by Selectman Potell further unanimously

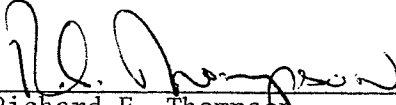
VOTED: To enter into executive session for discussion of the reputation and character, physical condition or mental health rather than the professional competence of a single individual.

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 10:25 p.m.

Attest:


Richard E. Thompson
Executive Secretary/Clerk